



Securing the future... • Improving services
• Enhancing quality of life • Making the best use of public resources

Council Building
2 High Street
Perth
PH1 5PH

14/04/2022

A meeting of the **Kinross-shire Local Committee** will be held virtually on **Thursday, 21 April 2022 at 17:00.**

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Voting Members

Councillor M Barnacle, Perth and Kinross Council (Convener)
Councillor Callum Purves, Perth and Kinross Council (Vice-Convener)
Councillor Willie Robertson, Perth and Kinross Council
Councillor Richard Watters, Perth and Kinross Council

Non-Voting Members

Sarah Bruce-Jones, Fossoway Community Council
David Colliar, Kinross Community Council
Andy Miller, Portmoak Community Council
Margaret Ponton, Glenfard Community Council
Fran Principe-Gillespie, Cleish & Blairadam Community Council
Malcolm Thomson, Milnathort & Orwell Community Council

Kinross-shire Local Committee

Thursday, 21 April 2022

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- | | | |
|----------|--|----------------|
| 1 | WELCOME AND APOLOGIES | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTE OF MEETING OF THE KINROSS-SHIRE LOCAL COMMITTEE OF 20 JANUARY 2022 FOR APPROVAL
(copy herewith) | 5 - 8 |
| 4 | MATTERS ARISING | |
| 5 | ROAD SAFETY UPDATE
Report by Environment and Consumer Services (copy herewith 22/94) | 9 - 14 |
| 6 | LOCH LEVEN GUIDANCE
Report by Head of Planning and Development (copy herewith 22/95) | 15 - 40 |
| 7 | COMMUNITY INVESTMENT FUND - KINROSS-SHIRE
(copy herewith) | 41 - 42 |

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--

KINROSS-SHIRE LOCAL COMMITTEE

Minute of meeting of the Kinross-shire Local Committee held virtually on Thursday 20 January 2022 at 5.30pm.

Present: Councillors M Barnacle (Convener), C Purves (Vice-Convener), W Robertson and R Watters; Ms S Bruce-Jones (Fossoway Community Council), Mr D Colliar (Kinross Community Council), Mr A Miller (Portmoak Community Council), Ms M Ponton (Glenfarg Community Council), Mr F Principe-Gillespie (Cleish & Blairadam Community Council) and Mr M Thomson (Milnathort & Orwell Community Council).

In Attendance: C Mailer, F Robertson, L Haxton, M Butterworth, P Marshall, J McCrone, B Cargill and D McKeown, (all Communities); L Simpson, S Hendry, K Molley and A Brown (all Corporate and Democratic Services).

Councillor M Barnacle, Convener, Presiding.

The Convener led discussion on items 1-5, 7-8, and 10-11 and Vice-Convener on items 6, 9 and 12.

1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the first meeting of the committee.

2. DECLARATIONS OF INTEREST

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

3. REQUEST FOR A DEPUTATION

In terms of standing order 13, the Committee agreed that Mr A Lowrey, a local resident, be allowed to address the Committee in relation to item 6 – A911 East of Scotlandwell.

4. KINROSS-SHIRE LOCAL COMMITTEE - PILOT SCHEME OF ADMINISTRATION

The Kinross-shire Local Committee Pilot Scheme of Administration was noted, as approved by Perth and Kinross Council on 15 December 2021.

5. 20MPH SPEED LIMIT TRIAL

There was submitted a report by Head of Environmental and Consumer Services as approved at Environment and Infrastructure Committee on 27 October 2021 (copy herewith 21/195).

Resolved:

It be noted that the recommendations in report 21/195, were agreed at the Environment and Infrastructure Committee on 27 October 2021.

6. A911 EAST OF SCOTLANDWELL

Mr A Lowrey, a local resident, addressed the Committee. Following answering a number of questions from the Committee, he left the meeting. Councillor C Purves thanked Mr A Lowrey for his attendance.

There was submitted a report by the Head of Environmental Services (22/9) (1) advising members of road safety and vehicle speed concerns which have been raised regarding the A911, east of Scotlandwell; and (2) recommending that further detailed investigations are carried out as part of a Route Action Plan to inform if any additional signing, lining or other road safety mitigation measures are required.

Resolved:

- (i) It be noted that the Route Action Plan shall progress, taking into consideration issues such as overtaking, signage and a safe foot path link.
- (ii) It be agreed that a temporary 40mph speed limit be introduced from the existing 40mph buffer at Scotlandwell to Auchmuir Bridge in Fife, and the information gathered to form part of the Route Action Plan.
- (iii) It be noted that that a further report will be submitted to a future Committee for agreement on any required improvements following the completion of planned Route Action Plan investigations in 2022.

7. FORMER BLAIRINGONE PRIMARY SCHOOL

There was submitted a report by the Head of Culture and Community Services (22/10) providing information on the former Blairingone Primary School in Kinross-shire, including the details of its current condition, wider community facilities and options for a possible community-led solution to the future ownership and use of the building.

Resolved:

- (i) The background and current provision of services in the Blairingone area, be noted.
- (ii) The options for possible future community management of the building, be noted.
- (iii) It be agreed that the options for community management for the building are reviewed in 12 months time once the new Development Trust is fully established.

8. CO-ORDINATION OF PLANNING AND MANAGEMENT IN THE LOMOND AND OCHIL HILLS

The Convener provided a verbal update regarding the co-ordination of planning management in the Lomond and Ochil Hills.

Resolved:

- (i) It be noted, that a briefing paper on regional parks be shared with members of the committee.
- (ii) It be agreed that the Convener to put forward a motion to a future meeting of Perth and Kinross Council on engaging with neighbouring Councils and the Scottish Government on the principle and funding of proposals to improve co-ordination of planning and management in the Lomond and Ochil Hills,

including - but not limited to - the extension of the Lomond Hills Regional Park to include Loch Leven and the establishment of an Ochil Hills Regional Park.

9. KINROSS TOWN CENTRE

There was submitted a report by the Head of Planning and Development (22/11) (1) advising members of previous consultation and agreement on the design and development of public realm improvements in Kinross town centre; and (2) recommending action to inform any additional required traffic management and signage in order to improve the management and operation of the use of roads, and space through further review of data, and consultation.

Resolved:

- (i) It be agreed that the Head of Environmental and Consumer Services review traffic data and evidence, undertake traffic surveys and consider potential impacts of current investment in improvements to access and car parking at Loch Leven.
- (ii) It be agreed that the Head of Planning and Development undertake a survey to provide evidence of local views on operation of roads and current and future use of space.
- (iii) It be agreed that the Head of Environmental and Consumer Services prepare options for revised entry and entrance signage and the traffic management arrangements.
- (iv) It be noted that a further report will be submitted to a future Committee for agreement, which would set out any required improvements and any relevant resource and environmental implications.

10. BOUNDARY COMMISSION FOR SCOTLAND – 2023 REVIEW OF UK PARLIAMENT CONSTITUENCIES

There was submitted a report by the Chief Executive (21/247) (1) advising that on 14 October 2021, the Boundary Commission for Scotland published its initial proposals in respect of boundaries for constituencies for the UK Parliament; and (2) referring to the proposals as they affect the Perth and Kinross Council area in relation to the existing UK Parliament constituencies of Perth & North Perthshire and Ochil & South Perthshire. A copy of the agreed position by the Council on 15 December 2021 was also submitted for information.

Resolved:

The committee agreed to defer this item to a future meeting of the Kinross-shire Local Committee.

11. KINROSS COMMON GOOD FUND – APPLICATIONS FOR FINANCIAL ASSISTANCE – DECEMBER 2021

Voting Members of the Kinross-shire Local Committee were contacted, and the following decisions were agreed via email due to the urgency of the request:

- (1) Light Up Kinross be awarded a grant of £443 towards a Christmas tree and a light display in Kinross.

- (2) Kinross-shire Move Greener be asked to resubmit a funding request in April 2022, which will be considered at a future meeting of the Kinross-shire Local Committee.

Resolved:

The decision by voting members to award grants in December 2021 be homologated.

12. COMMITTEE FORWARD PLANNING

The Vice-Convener advised that a workshop would be held with non-voting members and local ward members to discuss committee forward planning before the next committee meeting.

DRAFT

PERTH AND KINROSS COUNCIL

Kinross-shire Area Committee

21 April 2022

ROAD SAFETY UPDATE

Report by Head of Environmental and Consumer Services

(Report No. 22/94)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of progress on the various road safety concerns raised about the public road network in Ward 8 raised with officers prior to the meeting.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee endorse the proposals set out at section 5 of this report.

3. BACKGROUND

- 3.1 Perth and Kinross Council's road safety projects assessment criteria provides a procedure for prioritising traffic management and road safety projects. This was approved by the E&I Committee in March 2019 (E Report No. 19/83 refers). All potential schemes are assessed and, if considered appropriate, ranked against other projects to ensure those schemes that deliver the greatest benefit to local communities are delivered first. With each financial year, projects are assigned to the relevant programme of works and budget, then installed as resources permit.
- 3.2 Therefore, whilst one area may have a number of road safety priorities, these need to be assessed and considered alongside priorities identified in other areas.

4. ISSUES AND CONCERNS

- 4.1 Request for 50mph speed limit on all Kinross-shire's roads that PKC is responsible for where national speed limit currently applies.
 - 4.1.1 The setting of speed limits on the local road network is delegated to local authorities. The national speed limit is the default speed limit for all single carriageway rural roads in the UK, unless otherwise signed. It is a variable speed limit and is based on the vehicle category. For cars and motorbikes, the maximum permitted speed limit is 60mph. Cars with trailers or caravans, motorhomes, buses, and light goods vehicles (up to 7.5 tonnes) are already restricted to 50mph. Heavier goods vehicles (over 7.5 tonnes) are restricted to a 40mph limit. These are the "maximum" permitted speeds. However, drivers should drive at appropriate speeds, up to the maximum permitted limit, for the road alignment, weather conditions and their driving capability.

- 4.1.2 Introducing a 50mph speed limit across Kinross-shire is considered by officers from the Council's Traffic and Network team to be unnecessary for the following reasons. The number of collisions, as a result of high vehicle speeds, is low. Road traffic collision reports are provided by Police Scotland. The majority of crashes, where speed can be determined, occur within the maximum permitted speed. The six main individual contributory factors in descending order for the rural road network are (i) loss of control, (ii) failure to judge the speed of another vehicle or distance, (iii) failure to look properly, (iv) slippery road due to weather, (v) careless or reckless driving and (vi) inappropriate, rather than excessive, speed for the road environment.
- 4.1.3 Furthermore, the expected adherence with the lower speed is likely to be low where the road alignment and visibility is good. Traffic survey data shows higher speeds on sections of the A977, B996 and B9097 where the alignment is good and there is full overtaking sight distance. Introducing a speed limit that is unrealistically low will result in poor compliance and lead to increased demands for traffic calming measures or Police enforcement. This was evidenced in the 20mph Speed Limit Trial reported to the E&I Committee in October 2021 (E&I Report 21/195). A lower speed limit may also introduce a road safety hazard as some drivers may attempt to carry out overtaking manoeuvres at inappropriate locations as they try to make time on their overall journey.
- 4.1.4 The project would be cost-prohibitive. Terminal signs would be required at the start and end of each Kinross-shire boundary and on the exit from every urban settlement. Repeater signs would have to be installed at regular intervals along every road. Crudely based on the costs for the recent Green Route project at Path of Condie, it is estimated that the cost would be in the region of £4,000 per mile. Therefore, to install signage throughout the Kinross-shire area to enable Police Scotland to be able enforce the limit would cost in excess of £500,000.
- 4.1.5 It is therefore not recommended to introduce a blanket 50mph speed limit on all Kinross-shire's roads for the reasons stated above.
- 4.2 Examine mitigation measures to address increased traffic flow on Gallowhill Road, Kinross following planning approval for housing development.
- 4.2.1 There are currently plans to extend the current 30mph speed limit that terminates at the town boundary to include the access to the new housing development. This is included in the list of Traffic Regulation Orders to be processed in 2022/23.
- 4.2.2 In addition, a traffic survey is scheduled for Summer 2022 to identify traffic volumes and vehicle speeds. The building works are ongoing. Site observations indicate that a high percentage of vehicles comprises construction traffic. These slower moving vehicles help suppress vehicle speeds. However, this will reduce as the development is completed, and both domestic traffic volumes and vehicle speeds will increase as the site progresses and more houses become occupied.

- 4.2.3 A vehicle-activated sign has been requested and it is programmed to be installed in 2023/24, as the current programme for 2022/23 contains sites which have already been agreed with local Elected Members and Community Councils.
- 4.3 Update on consultation regarding Kinross Town Centre Regeneration scheme
 - 4.3.1 A safety assessment report has been completed by the Council's Traffic & Network Team. The recommendations are currently being assessed by other services, and following on from this, a site meeting will be set up with local Elected members and other interested parties.
- 4.4 Review speed control measures for Blairforge, Blairingone, Carnbo, Drum and Lochran
 - 4.4.1 Blairforge – This settlement sits to the east of the B996 and is subject to the national speed limit. There is limited frontage development and few accesses directly onto the main road. The carriageway and verge along the B996 are wide and flat, and visibility is good. A reduced speed limit is not considered appropriate or necessary. This can be reviewed if there is additional development or as part of the B996 Route Action Plan scheduled for 2023/24.
 - 4.4.2 Blairingone – The village sits astride the A977 and is subject to a 30mph speed limit. This lower limit was extended several years ago to cover the sporadic development to the northeast of the village. A 40mph buffer creating a graduated speed reduction has already been agreed as part of the A977 Route Action Plan and is on the list of Traffic Regulation Orders to be progressed and installed in 2022/23. A similar buffer is planned at the southwest of Crook of Devon. Traffic surveys are planned on rural sections of the Vicar's Bridge Road to identify vehicle speeds and measure compliance on the 40mph walking and cycling friendly Green Route that links to Clackmannanshire.
 - 4.4.3 Carnbo – The village sits astride the A91 and is subject to a 40mph speed limit. Following recent development within the village on in-fill sites, there is greater housing density and increased road-user activity. It has already been agreed to lower the speed limit to 30mph. This is on the list of Traffic Regulation Orders to be progressed and installed in 2022/23. A traffic survey is planned for the section east of the village that links to the village hall to determine whether a 40mph buffer is appropriate.
 - 4.4.4 Drum – Drum village, along the U241 between the A977 and the B9097, is subject to a temporary 20mph speed limit. This is currently being assessed along with the other temporary speed limits installed during the Covid pandemic to accommodate increased pedestrian activity in rural villages. It is proposed that the temporary limit is made permanent. There is a 40mph speed limit at the south of Drum village covering the sporadic frontage development on the B9097, from the A977 Fossoway junction to the U241 Drum junction. This will be extended eastwards a short distance to cover deceleration and turning movements at the Drum junction. A request to extend the 40mph limit further eastwards along the B9097 is not considered

appropriate or necessary as there is no frontage development. This can be reviewed if there is additional development or as part of the review of the existing B9097 Route Action Plan in 2023/24.

- 4.4.5 Lochran – The B996 through the scattered community at Lochran is subject to the national speed limit. Following recent development on some of the in-fill sites, there is greater housing density and increased road-user activity. Village nameplates were installed in 2021/22. It has already been agreed to lower the speed limit to 40mph. This is on the list of Traffic Regulation Orders to be progressed and installed in 2022/23. A traffic survey is planned for Spring 2022 to determine whether the reduced speed limit should be extended northwards to include the travellers' site at Greenacres.
- 4.5 Request for Back Crook Road between Crook of Devon and Drum to be signed as unsuitable for HGVs
- 4.5.1 The junction of the U241, off the A977, has a black haulage route sign directing traffic along the A977 towards Turfhill roundabout and the M90. This was installed as part of the signing strategy of the A977 Route Action Plan. A blue information sign advising commercial drivers that the U241 is unsuitable for large vehicles is included on list of minor traffic signs projects to be installed in 2022/23. This information sign will supplement the haulage route sign to discourage unnecessary commercial traffic passing through the hamlet.

5. PROPOSALS

- 5.1 The following road safety measures are proposed:
 - (i) 30mph extension to be installed at Gallowhill Road, Kinross
 - (ii) Traffic survey to be carried out at Gallowhill Road, Kinross
 - (iii) Vehicle-activated sign at Gallowhill Road, Kinross to be added to VAS programme
 - (iv) Once further assessment of the environmental improvement scheme at High Street, Kinross is complete, a site meeting will be held
 - (v) 30mph speed limit to be installed in Carnbo village
 - (vi) 40mph speed limit to be installed at Blairingone, Crook of Devon and Lochran, and extended slightly at Drum
 - (vii) Information sign to be installed at Drum
- 5.2 However, it is not proposed to:
 - (i) introduce a blanket 50mph speed limit as a general measure across all rural roads in Kinross-shire for the reasons set out above; or
 - (ii) extend the current 40mph speed limit east of Drum or at Blairforge

6. CONCLUSION

- 6.1 The introduction of the various speed limits and signs contained within this report will inform drivers of potential hazards on the road layout ahead and enable them to adjust their speed and position accordingly. Greater

awareness of the road environment, combined with improved speed management, will reduce the risk of conflict between the various road users. This will result in fewer collisions, fewer casualties, and lower casualty severity.

Author(s)

Name	Designation	Contact Details
Daryl McKeown	Traffic and Network	(01738) 475000 ComCommitteeReports@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	13 April 2022

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

PERTH AND KINROSS COUNCIL

Kinross-shire Area Committee

21 April 2022

LOCH LEVEN GUIDANCE

Report by Head of Planning & Development (Report No. 22/95)

1. PURPOSE

- 1.1 This report summarises the comments received during the consultation on non-statutory planning guidance published for consultation in 2021. It seeks the views of the Area Committee on the guidance prior to submission of a report to the SP&R Committee for approval and adoption as non-statutory Supplementary Guidance to support the Local Development Plan.

2. RECOMMENDATIONS

- 2.1 The Committee is asked to:
- (i) provide feedback on the guidance which will be incorporated in a future report to the Strategic Policy & Resources Committee.

3. BACKGROUND

- 3.1 The *Loch Leven Special Protection Area and Ramsar Site* planning advice addressing phosphorus and foul drainage in the catchment area (Loch Leven guidance) has been prepared in response to the adoption of LDP2. This is non-statutory planning guidance to support LDP2. In the report to council on 29 January 2020 (Report No. 20/25 refers), it was noted that the guidance document would be brought forward to Strategic Policy and Resources Committee as part of the review of guidance to support LDP2. The document is being placed before the Kinross-shire Local Area Committee to seek feedback on the guidance which will be incorporated in a future report to be submitted to the next meeting of the Strategic Policy and Resources Committee.

Loch Leven Guidance

- 3.2 The Loch Leven Guidance supports Policy 46: Loch Leven Catchment and sets out the tests and information required for developments within the catchment area to address phosphorus emissions that affect the Loch. It sets out requirements for phosphorus mitigation for private wastewater systems.
- 3.3 The Loch Leven Guidance was updated following adoption of the Local Development Plan (adopted November 2019) (LDP2). This was consulted on from 17 February to 16 March 2020. Following consideration of the Lathro application (19/00917/FLM) (Report No. 20/112) at Planning and Development Management Committee on 1 July 2020, the issue of additional

mitigation for developments connecting to public wastewater treatment plants was raised. The updated guidance was not promoted for adoption to allow time to consider this issue. As a result, a special meeting of the Loch Leven Catchment Management Group explored further options as detailed below. While no major changes resulted, an added minor change requested by SEPA needed further consultation which was carried out between 29 November 2021 and 24 January 2022.

4. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES Loch Leven Guidance

- 4.1 Responses to the consultation held in 2020 were received from SEPA and NatureScot, with minor technical changes requested (see Appendix 2).
- 4.2 Following concerns raised about phosphorus impact on the loch of new development connecting to public wastewater treatment works (WWTW), a meeting of the Loch Leven Management Group was held in August 2020. At that meeting, it was concluded that a requirement should be explored for developers connecting to public WWTW to provide a phosphorus mitigation calculation.
- 4.3 Consultation with SEPA, NatureScot, Scottish Water and Legal Services concluded that this requirement was not feasible to implement. In summary, this is because there is no power in the policy to request this information. It is not reasonable to request this information as it would serve no purpose, as Scottish Water mitigation is based on a SEPA licence based on their own environmental assessment.
- 4.4 Scottish Water mitigation is carried out in response to daily monitoring within the context of their licenced limit. The Planning Authority's power to request information to inform a Habitat Regulations Appraisal could not extend to the provision of this information, due to the final input to the loch being controlled by Scottish Water in accordance with their licence.
- 4.5 A further request was made by SEPA outside the consultation period for the guidance to include a statement about the temporary use of private facilities where there is no connection to public WWTW. While a minor change, it was thought significant enough to call for a further consultation.
- 4.6 The further consultation in 2022 resulted in only a further response from SEPA regarding terminology and a request for a definition of "potential bedrooms" which has been produced in collaboration with SEPA and the Council's building standards team. The resulting draft incorporating all changes is attached as Appendix 1.
- 4.7 Further work is ongoing to engage with partners including Scottish Water, SEPA, CEH, NatureScot and local councillors to explore the operation of Policy 46 and any improvements that may be brought forward for LDP3.

Loch Leven Protocol

- 4.8 In parallel with these discussions, the Loch Leven Protocol (the Protocol) has also been updated between Council officers, SEPA and NatureScot to update references to LPD2 and reflect current practice. The Protocol is an operational arrangement concerning conditions and the implementation of measures to protect the Loch. This is a delegated matter, and the Head of Planning & Development continues to liaise with the two other agencies over the terms of the protocol and revise as appropriate. For information, the latest version of the Protocol is attached as Appendix 3.

5. CONCLUSION

- 5.1 The Loch Leven guidance has been reviewed to support the implementation of LDP2. The document has been through two public consultations and extensive consultation with stakeholders.

Author

Name	Designation	Contact Details
Robert Wills	Planning Officer (Development Plan Team)	robertwills@pkc.gov.uk 01738 475 300

Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	13 April 2022

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The Loch Leven guidance document supports delivery of the Perth and Kinross Community Plan/Single Outcome Agreement by safeguarding and encouraging restoration of valued natural environments. As well as promoting health and wellbeing, the guidance document contributes positively to the priority of “Creating a safe and sustainable place for future generations”. In particular the guidance addresses the challenges of:

- maintaining the outstanding beauty of our urban and rural environments; and
- responding to the agenda in relation to climate change.

Corporate Plan

- 1.2 The Loch Leven guidance document contributes to the achievement of the Council Corporate Plan Priority delivery of “Creating a safe and sustainable place for future generations,” in particular the guidance promotes the goal to Protect our Outstanding Area.

2. Resource Implications

Financial

- 2.1 None

Workforce

- 2.2 None.

Asset Management (land, property, IT)

- 2.3 None.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council must eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments (EqIA) for plans and policies allows the Council to show that it is meeting these duties.
- 3.2 The Loch Leven Guidance was considered under the Council's Integrated Appraisal Toolkit. No impacts on equality were identified and the document was assessed as not relevant for the purposes of EqIA. A full EqIA was not needed.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. The guidance was considered under the Act in consultation with Consultation authorities and pre-screening identified that the Loch Leven Guidance will have no or minimal environmental effects and is therefore exempt and the SEA Gateway was notified on 30 January 2020. The reasons for concluding that the PPS will have no or minimal environmental effects is that the earlier version of the Guidance had been screened out and the minor changes introduced would have no or minimal effects.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Nature Conservation Act (Scotland) Act 2004 public bodies in Scotland have a duty to further the conservation of biodiversity. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets
 - in the way best calculated to deliver any statutory adaptation programmes
 - in a way that it considers most sustainable.

- 3.5 The guidance was assessed for Sustainability through the Integrated Assessment Toolkit. The document promotes sustainable development and the conservation of biodiversity and addresses climate change by:
- Promoting best practice development that protects and restores nature and utilises nature-based solutions
 - Promoting the health of waterways and water bodies through avoidance and mitigation of impacts from new development

Legal and Governance

- 3.6 None.

Risk

- 3.7 None.

4. CONSULTATION

Internal

- 4.1 The draft guidance was developed and consulted on with internal stakeholders as set out in section 3 of the Report. The Loch Leven guidance required minimal changes although consultation with building standards was carried out as a result of SEPA comments.

External

- 4.2 The draft guidance was developed and consulted on with external stakeholders as set out in section 3 of the Report. Further consultation with SEPA was required.

5. COMMUNICATION

- 5.1 Once approved, the guidance will be uploaded to the Council website and those consulted on the draft will be notified. The Loch Leven guidance has minimal changes and further promotion beyond communication as stated and conversations with development management is not considered necessary.

2. BACKGROUND PAPERS

No background papers are referred to.

3. APPENDICES

Appendix 1: Loch Leven

Appendix 2: Loch Leven Guidance Summary of Consultation Responses

Appendix 3: Loch Leven Protocol



Loch Leven Special Protection Area and Ramsar Site

Planning advice in relation to phosphorus and foul drainage in the catchment area

CONTENTS

1	Introduction	1	10	SEPA Authorisation	7
2	The Importance of Loch Leven	1	11	Before Development Can Commence	7
3	The Nutrient Problem at Loch Leven	2	12	Further Considerations	8
4	Planning Authorities' Obligations	2	13	Contacts	8
5	Proposed Projects that May Affect Loch Leven SPA	3			
6	Phosphorus Mitigation Checklist	4			
7	Submitting a Planning Application	5			
8	Phosphorus Mitigation Calculation	6			
9	Additional Points for Phosphorus Mitigation Proposals	6			

Cover photo tertiary treatment facility © S McGregor

All other photos © Lorne Gill/NatureScot



1 Introduction

This guidance aims to assist anyone submitting planning applications which are:

- *within the catchment of Loch Leven Special Protection Area (SPA) and Ramsar site and*
- *which could affect the water quality of Loch Leven.*

The guidance provides advice on the types of appropriate information and safeguards to be provided in support of your planning application so that it can be properly and timeously assessed by Perth & Kinross Council, and includes:

- An explanation of planning authorities' obligations when evaluating planning applications;
- Advice on the nature of developments that may affect Loch Leven; and

Examples of information which you need to submit with your planning application and application for a foul water discharge authorisation under **The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)** (CAR) – there is a flow chart on page 4 taking you through the key questions and answers/ solutions.

This guidance relates specifically to impacts on the water quality of Loch Leven SPA from phosphorus in waste water entering the loch's catchment. There may be other qualifying features of the SPA which could be affected by development proposals such as water quality impacts from construction activity or disturbance to birds.

2 The Importance of Loch Leven

Loch Leven is the largest naturally nutrient rich freshwater loch in lowland Scotland and is internationally important for its wintering and breeding wildfowl. It has the highest wildlife accolade as it was designated as a SPA and part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union. It continues to receive protection as a European Site within the UK sites network. The site is also a Ramsar site designated under the Convention of Wetlands of International Importance.



3 The Nutrient Problem at Loch Leven

Nutrients such as phosphorus and nitrogen entering the loch catchment from manmade sources have caused problems with water quality for many years. This has resulted in a negative impact on the conservation, economic, and social interests of the loch and local area. Much work has been undertaken over the last 30 years to reduce the input of phosphorus into the loch including through upgrades to the public sewer system and improvements in private systems. Monitoring has shown that this has led to an improvement in the ecological quality of the loch. The vast majority of phosphorus entering the loch is now from diffuse sources in the catchment such as erosion and run-off, however it is important to continue to reduce the phosphorus and nitrogen inputs to the loch where that can be controlled.



The aim is therefore to ensure that there is no increase of phosphorus in the Loch Leven catchment arising from waste water associated with new developments. If there is an increase in phosphorus discharging to the loch, there could be a detrimental effect on water quality, and a knock-on effect for ecology.

4 Planning Authorities' Obligations

European sites were selected under the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid “the deterioration of natural habitats and the habitats of species...” These obligations relate to “Competent Authorities” such as Planning Authorities.

Planning Authorities can only agree to development proposals after having ascertained that they will not adversely affect the integrity of the site. If the proposal would affect the site and there are no alternative solutions, it can only be allowed to proceed if there are imperative reasons of overriding public interest.

To inform this assessment, information will be requested for developments potentially affecting the loch. This includes details of measures to protect watercourses from surface water drainage and construction activity, and a **Phosphorus Mitigation Calculation** for private systems.

Proposals for developments connecting to private waste water systems must mitigate their impacts. To ensure no net increase in phosphorus from these developments, a precautionary approach recognises that the measurement of potential phosphorus output is not an exact science. Policy 46: Loch Leven Catchment Area of Local Development Plan 2 requires proposals for developments with private systems to provide 125% mitigation of the phosphorus they produce.

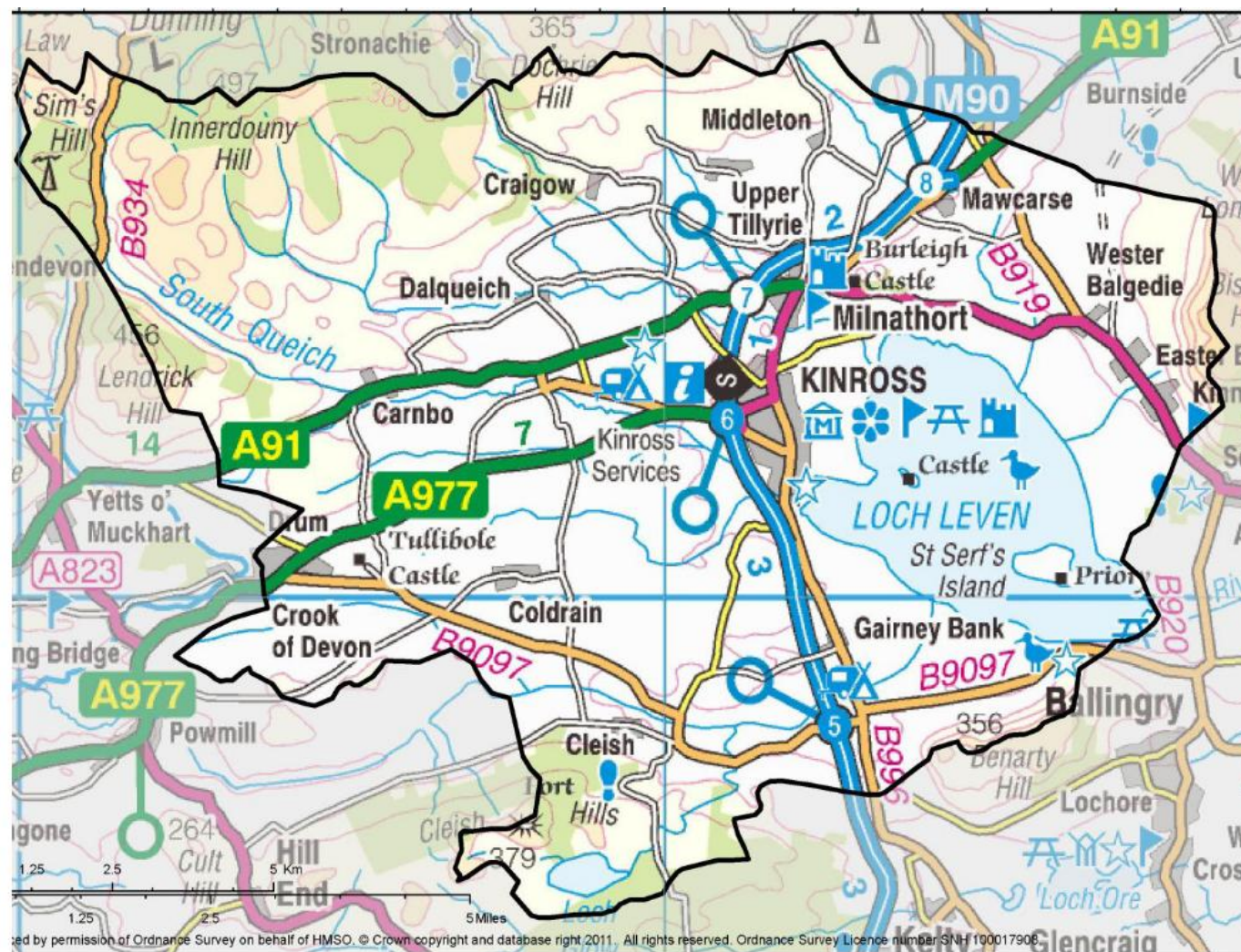
Developments which connect to public systems have been facilitated by past upgrades and mitigation of phosphorus is carried out at the works. These systems operate under a SEPA authorisation which takes population growth and impacts on the loch into account.

5 Proposed Projects that May Affect Loch Leven SPA

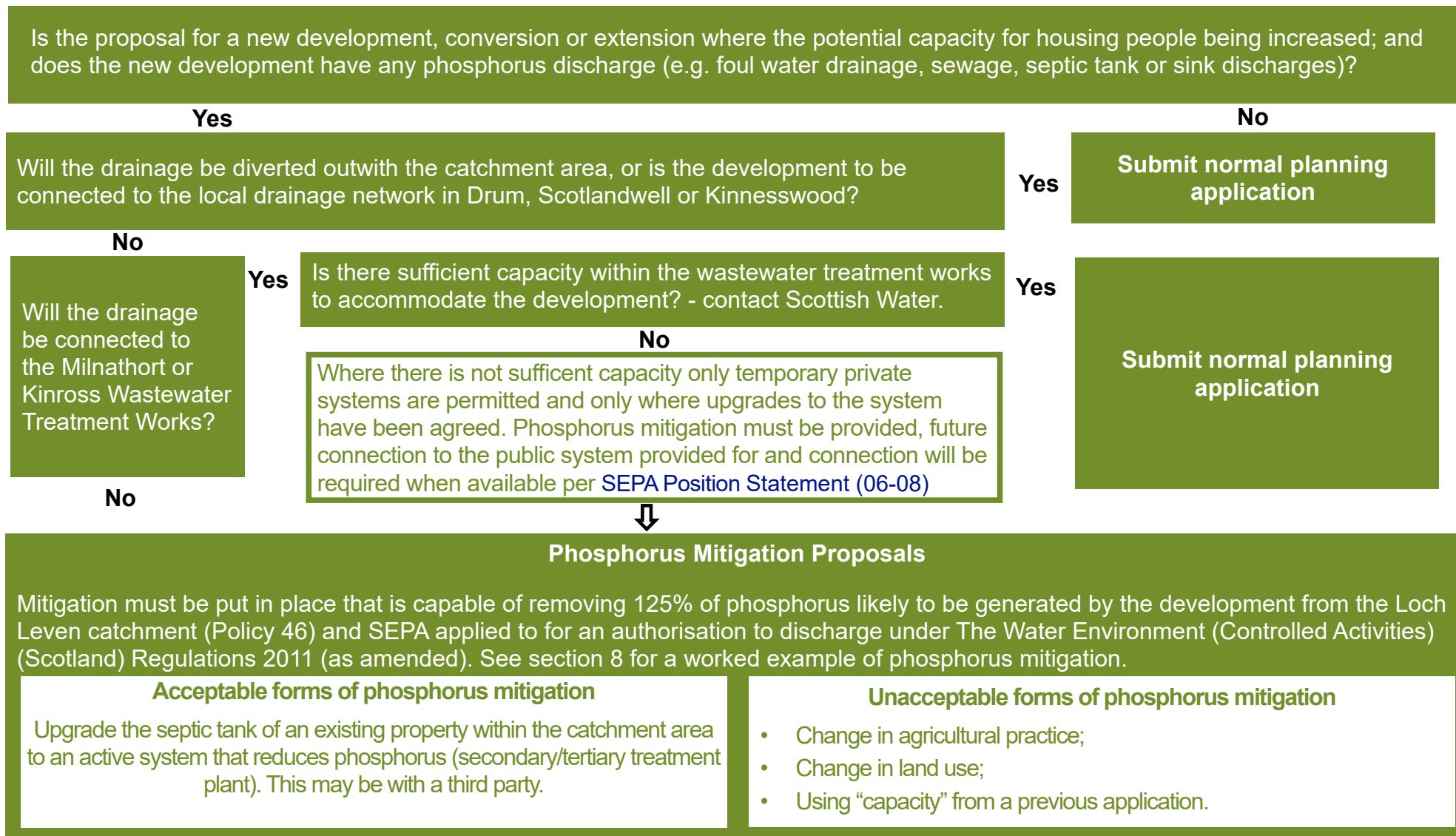
New developments, conversions or extensions where the potential capacity to house people is being increased may impact on the Loch Leven SPA.

If the proposed development lies in the catchment as shown by the black line on the map, you may be required to provide phosphorus mitigation for your development, as detailed in the sections below.

The map is a guide – if a development is near the border confirmation should be sought as to whether it is within the Loch Leven catchment.



6 Phosphorus Mitigation Checklist



7 Submitting a Planning Application

Where mitigation is required full planning applications or AMM (approval of matters specified in conditions) must provide details of:

- a. the proposed development;
- b. an existing property to be upgraded – which has not already been identified as mitigation for another planning application;
- c. phosphorus mitigation calculations – include numbers of potential bedrooms¹ of all properties, and methods of drainage (primary/secondary/tertiary treatment plant).² You will need to demonstrate that the total phosphorus loading from the existing property can be reduced by at least 125% of the phosphorus loading likely to be generated by the new development. See worked example overleaf.

Any treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities in accordance with this standard. To obtain certification to EN12566:3 plants must undergo rigorous independent testing which results in a documented mean discharge standard. The mean standard in the EN12566:3 certificate is a clear and unambiguous assessment of the performance of the plants, and is used in CAR authorisations for unsampled licenced sewage discharges (i.e. discharges of less than 200 PE). EN12566:3 is normally used to assess performance against BOD and ammonia, but can also be used to assess performance against total phosphorus.

1. Any habitable room, excluding a living room, dining room or kitchen, may be considered as a potential bedroom. In general, rooms such as playrooms, studies or similar will be considered to be potential bedrooms if suitably sized and independently accessed from a hallway or other shared space. Such rooms may be excluded if considered to be commensurate with the size and design of the property.

- Discharge from all the properties will require authorisation by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) who will set discharge limits through authorisation. The authorisation process can have a 4 month determination period from the date of application. Progressing the CAR applications at the same time as the planning application will ensure an applicant is aware of whether a proposed scheme is capable of being authorised under CAR. (see section 11 below).
- The discharge limits set by SEPA must be complied with at all times.
- Foul water treatment plants need to be frequently maintained to work properly and discharge within the authorised limits. The treatment system must be maintained so it operates in good working order.
- Sites which will not connect to the Scottish Water Network which have >50p.e. should contact SEPA at the earliest opportunity as additional investigatory work will be required before a discharge authorisation application is submitted.
- In cases of great complexity or uncertainty the Precautionary Principle will be adopted. The assumption being that where there are real threats of damage to the environment, lack of scientific information should not be used as a justification for postponing measures to prevent such damage occurring.

2. The latest version of [British Water Code of Practice - Flows and Loads](#) has details of loadings from a variety of sources.

8 Phosphorus Mitigation Calculation worked example²

Background	
Average amount of water per person per day	150 L
Primary treatment: septic tank, standard discharge of phosphorus as a mean	10mgP/L
Daily discharge of phosphorus per person	1500mgP
Secondary treatment: package treatment plan as a mean	5mgP/L
Daily discharge of phosphorus per person	750mgP
Proposed Development	
3 bedroom house in Person Equivalent (PE) Secondary treatment to be installed	5 PE 5mgP/L
Daily Discharge of phosphorus (750mgP x 5PE)	3750mgP/day
Phosphorus Mitigation	
Mitigation required is 125% of P discharged from new development: 125% x 3750mgP/day	4688mgP/day
Proposed mitigation to upgrade septic tank for named 5 bedroom house (7PE) to secondary treatment plant	
Existing discharge 150L x 10mgP/L x 7PE	10,500mgP/day
Discharge after upgrade@5mgP/L: 750mgP x 7PE	5,250mgP/day
Mitigation offered: 10,500mgP/day - 5250mgP/day Mitigation in excess of requirement	5250mgP/day

2. Calculations based on British Water Code of Practice "Flows & Loads - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems"

9 Additional Points for Phosphorus Mitigation Proposals

Existing properties should not be removed from a larger foul drainage treatment system to provide mitigation for a new development. The applicant should seek to upgrade the larger system in its entirety, regardless of how much in excess of 125% mitigation value this provides. Wherever possible, applicants should seek to use a single treatment system for a proposed multi-property development, rather than separate individual systems.

Any novel proposals where mitigation is not from a single existing property, should be discussed with SEPA at the earliest stage possible, in order to ensure the proposal is acceptable.

For the purposes of mitigation, ascribed values will be used for calculations, where a septic tank is assumed to discharge 10mg/l of phosphorus, and an existing secondary treatment system 5mg/l. New treatment system discharge standards will be based on the system being installed. Alternatives to the ascribed values may be considered where there is adequate historical data which meets approved quality standards. In these cases contact should be made with SEPA at the earliest opportunity. We do not accept calculations with a discharge quality standard below 2mg/l at present.

Mitigation of an existing system can only be linked to a development at full planning stage. SEPA will only comment on phosphorus mitigation proposals at full planning stage.



10 SEPA Authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). All new applications for private sewage discharges in the Loch Leven catchment will be fully assessed for phosphorus discharges and all authorisations will contain appropriate limits and conditions. Progressing the CAR applications at the same time as the planning application will ensure the applicant is aware of whether a proposed scheme is capable of being authorised under CAR.

Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. A higher level of authorisation may also be required for activities that may impact on the loch SPA, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the SPA.

For details on these activities including CAR requirements see www.sepa.org.uk/regulations/water/

Activities should also comply with:

- **SEPA's Pollution Prevention Guidance including: GPP4 Treatment and disposal of wastewater where there is no connection to the public foul sewer;** and
- **SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements**

11 Before Development Can Commence

Before development can commence you must:

- have obtained planning permission; and
- have obtained a CAR authorisation(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended) for the foul water discharge of the development; including for any remote mitigation property.
- submit copies of the CAR authorisation(s) to the Planning Authority;
- have a receipt for the above documentation from the Planning Authority.

Where phosphorus mitigation measures are to be delivered at a location separate from the development site then before the development can commence:

- the phosphorus mitigation measures must be installed using a treatment system which delivers the discharge quality standards specified in the mitigation calculations – and approved by Building Standards where a building warrant has been required; and
- evidence of the installation of the phosphorus mitigation measures must be provided to the Planning Authority such as installation invoices and photos of the treatment plant in place.

Before the completion certificate will be accepted and the new development can be occupied:

- The new drainage infrastructure installation at the development site must be approved by Building Standards as part of building warrant process.

12 Further Considerations

Other Impacts on Loch Leven Designations

Although this guidance is specifically for the water quality of Loch Leven SPA and Ramsar site arising from waste water, further information may be required of the impact of the development on the qualifying features and conservation objectives of the Loch. This may include a Construction Method Statement to address construction impacts or other measures to protect wildlife. See:

- **NatureScot Guidance on Protection of European Sites**
- **NatureScot Sitelink** for further details on Loch Leven designations including conservation objectives.
- **PKC Guidance Planning for Nature 2022**

Protected Habitats and Species

There may be other natural heritage interests including protected species such as water voles, bats, otters and beavers affected by development proposals which also need to be considered. See Perth & Kinross Council's **Planning for Nature** guidance for more information on surveys that may be required.

Building Warrant

In addition to any planning consents that may be required, any development which includes an element of drainage will require building warrant approval. This process includes a requirement to submit detailed plans and specifications for the entire drainage system to show compliance with the Building (Scotland) Regulations 2004. See www.pkc.gov.uk/Buildingstandards

13 Contacts

NatureScot, SEPA and Perth and Kinross Council are working closely to protect the interests of Loch Leven SPA and Ramsar site by reducing phosphorus loading on the loch. Perth & Kinross Council are happy to assist you where required in submitting your application, including **pre-application advice**.

Perth and Kinross Council

For planning enquiries:

- DevelopmentManagement@pkc.gov.uk
- www.pkc.gov.uk/makingaplanningapplication

For building warrant enquiries:

- BuildingStandards@pkc.gov.uk
- www.pkc.gov.uk/buildingstandards

NatureScot

- www.nature.scot
- tayside_grampian@nature.scot

Scottish Environment Protection Agency

- 0800 807060
- www.sepa.org.uk
- PlanningSouthEast@sepa.org.uk

Scottish Water

- 0845 600 8855
- www.scottishwater.co.uk

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.
www.pkc.gov.uk

Section	Comment Summary	Received From	PKC Officer Response	Change Made to Guidance
LOCH LEVEN SUPPLEMENTARY GUIDANCE				
GENERAL				
Ensure hyperlinks refer to specific Natura guidance	NatureScot	Agreed. Where link is to a specific document link is made to the introductory web page to reduce breakages	Hyperlinks updated	
Change discharge licence/ SEPA licence to “authorisation” and licensed to “authorised” throughout	SEPA	Agreed	All references change to authorisation and authorised.	
6 PHOSPHORUS MITIGATION CHECKLIST				
Reword Phosphorus Mitigation proposals to more clearly indicate that mitigation must be implemented and a CAR licence applied for.	SEPA	Agreed.	Guidance requires that mitigation is put in place and an authorisation applied for.	
7 SUBMITTING A PLANNING APPLICATION				
i)Require inclusion of <i>potential</i> bedrooms. ii)Recommend a footnote with a definition of potential.	SEPA	Loss of “potential” bedrooms is a typographical error. Footnote to be reviewed and agreed with SEPA and building standards	i) Change made as requested. ii) definition of potential bedrooms agreed and included in section 7	
Change from providing evidence of maintenance to “The treatment system must be maintained so it operates in good working order.”	SEPA	Agreed. Maintenance is essential for the mitigation to be ongoing but understood that evidence provision would be disproportionate.	Change made as requested	
10 SEPA AUTHORISATION				
Replace second sentence with “All new applications for private sewage discharges in the Loch Leven catchment will be fully assessed for phosphorus discharges and all authorisations will contain appropriate limits and conditions.”	SEPA	Agreed	Change made as requested	
SECTION 13 CONTACTS				
Change contact email address to PlanningSouthEast@sepa.org.uk	SEPA	Agreed	Change made as requested	

Working arrangements between the Scottish Environment Protection Agency (SEPA), NatureScot and Perth & Kinross Council (PKC) in respect of phosphorus mitigation for development management proposals within the catchment of Loch Leven

Legislative context

The Habitats Directive, implemented in Scotland through the Conservation (Natural Habitats &c) Regulations 1994, (the “1994 Regulations”) requires appropriate steps to be taken to avoid *“the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant.”*

Both PKC and SEPA are competent authorities in respect of the 1994 Regulations. The 1994 Regulations (Reg 48) require all competent authorities (prior to issuing any authorisation) to carry out an appropriate assessment of a plan or project if that plan or project (either alone or in combination with others) is likely to have a significant impact on a European Site (which includes Special Areas of Conservation and Special Protection Areas) where the plan or project is not connected with or necessary to the management of the site. The appropriate assessment must consider the implications for the site in view of that site’s conservation objectives.

The competent authority must consult NatureScot, as the appropriate nature conservation body and have regard to any representations made by NatureScot. If it is considered appropriate opinions may also be taken from the general public.

If the competent authority considers, in the absence of any other alternative solutions, there is or are overriding public interest reasons that the plan or project must be carried out (i.e. social or economic reasons) the competent authority may agree, subject to consultation with the Scottish Ministers, to the plan or project notwithstanding a negative assessment of the implications for the site. Regulation 49 of the 1994 Regulations sets out the circumstances in full that must be considered.

Regulation 52 of the 1994 Regulations provides for co-ordination where more than one competent authority is involved, where a plan or project requires the consent, permission or authorisation of more than one competent authority.

Duties of the three parties

Perth and Kinross Council, as planning authority, can only agree to development proposals in the catchment of Loch Leven Special Protection Area (SPA) after having ascertained that the proposals will not adversely affect the integrity of the SPA.

SEPA, in addition to other legislative controls, regulates activities likely to impact on the water environment under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Under Regulation 15 of CAR, before determining an application SEPA must assess the risk to the water environment posed by the carrying on of the activity referred to in the application. This includes, in respect of an activity considered to have or likely have a significant adverse impact on the water environment assessing indirect effects on other aspects of the environment likely to be significantly impacted.

When assessing any proposal likely to have a significant adverse impact on the water environment, CAR requires inter alia SEPA to consider the proposal’s likely environmental, social and economic benefits. Weighting these benefits enables SEPA to reach a judgement

on whether or not the proposal's adverse impacts are acceptable by reasons on them being outweighed by the proposal's benefits to human health, the maintenance of human safety or sustainable development or by reason that the proposal's benefits are of overriding public interest.

In determining an authorisation under CAR SEPA must also have regard to the provisions of specific legislation which includes the 1994 Regulations. In particular, Regulation 84B of the 1994 Regulations confirms that Reg 48 referenced above applies in relation to the grant (and variation) of an authorisation under CAR.

SEPA may grant or vary an authorisation, where considered that any adverse effects of a plan or project on the integrity of a European site would be avoided if the grant or variation of the authorisation were subject to conditions.

Where any applicable identified benefits (social, economic environmental) do not outweigh the identified likely adverse impacts, there are no overriding public reasons (i.e. social/economic that would justify approval), and the significant adverse impact(s) cannot be mitigated, (or doubt remains as to the absence of adverse effects on the integrity of the site linked to the plan or project being considered), then the likely outcome is that SEPA would refuse the authorisation.

NatureScot has a duty under Habitats Regulations 3(2) to exercise its functions so as to secure compliance with the Habitats Directive. NatureScot may give a view, if requested by a Competent Authority, as to whether a plan or project is likely to have a significant effect. Where this is considered to be the case, the Competent Authority should consult NatureScot on the content of an appropriate assessment.

Introduction

In order to ensure that there is no adverse affect on the integrity of Loch Leven SPA any phosphorus discharge from a new development must either be diverted out with the Loch Leven catchment, be connected to the Drum, Milnathort or Kinross Wastewater Treatment Works or include phosphorus mitigation proposals which will be capable of removing from the catchment 125% of the phosphorus likely to be generated by the development. Any foul drainage infrastructure delivering this phosphorus mitigation must be suitably maintained.

To this end, policy 46: Loch Leven Catchment Area of the Adopted Perth and Kinross Local Development Plan 2019 sets out the requirements in terms of drainage infrastructure necessary for phosphorus mitigation and to promote the ecological recovery of Loch Leven.

To date, if development proposals provide adequate phosphorus mitigation which can be applied through appropriate planning conditions, Perth and Kinross Council and SEPA have concluded that the development is not likely to significantly affect Loch Leven Site of Special Scientific Interest (SSSI) and the development will not adversely affect the integrity of Loch Leven Special Protection Area (SPA).

A 2018 judgement at the Court of Justice for the EU in the case of 'People over Wind v Coillte Teoranta' has concluded that Article 6(3) of the Habitats Directive must be interpreted as meaning that in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site .

NatureScot are interpreting this legal case and now advising competent authorities as follows:

A proposal which includes a phosphorus discharge into the Loch Leven catchment is likely to have a significant effect on the qualifying interests of Loch Leven SPA.

Consequently, the advice to the competent authorities is that they should carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Our view is that:

- providing the provisions of *Advice to planning applicants in relation to phosphorous and foul drainage in the catchment* PKC Adopted Local Development Plan Supplementary Guidance are followed and the conditions contained therein are applied and fully implemented
- this should be sufficient to allow the competent authorities to conclude (with respect to phosphorus discharge to the Loch Leven Catchment) that proposals, which meet the mitigation requirements set out in these conditions, will not adversely affect the integrity of the site.

In such circumstances where Phosphorus discharge is the only issue of concern, NatureScot is content that any appropriate assessment following the above procedure will be able to conclude no adverse effect on site integrity. We therefore do not need to see or be consulted on individual appropriate assessments in these circumstances.

Agreed working arrangement

The purpose of this working arrangement is to:

- streamline the planning process,
- reduce the need for the use of Section 75 agreement and
- ensure that the phosphorus mitigation is in place and its maintenance is secured by the appropriate planning conditions, detailed below, for proposals within the Loch Leven catchment which include a phosphorus discharge which is not removed from the catchment or connected to Drum, Milnathort or Kinross Wastewater Treatment Works.

Condition 1 - Prior to the occupation of the development hereby approved, foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation shall be installed.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with policy 46: Loch Leven Catchment Area in the Adopted Perth and Kinross Local Development Plan 2019 .

Condition 2 - The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote property/properties [variable address and owner] has been installed and evidence of the installation has been submitted to and approved in writing by the Planning Authority.

b) Following the installation of the foul drainage infrastructure at the remote property/properties the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with policy 46: Loch Leven Catchment Area in the Adopted Perth and Kinross Local Development Plan 2019 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

Condition 3 - Development shall not commence until the applicant has submitted approved CAR **authorisation(s)** under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

Reason: To ensure appropriate drainage arrangements are in place to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance policy 46: Loch Leven Catchment Area in the Adopted Perth and Kinross Local Development Plan 2019 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

Phosphorus mitigation can therefore be achieved by either:

Scenario 1 - When the phosphorus mitigation is delivered within the boundary of the planning application site – in this situation, conditions 1 and 3 would apply.

Scenario 2 – When the phosphorus mitigation is delivered by a combination of infrastructure both on the application-site and separate/remote to the application site – in this situation, conditions 2 and 3 would apply.

Parties to undertake the following:

- No consultation with NatureScot if acceptable mitigation proposals in place, NatureScot to advise on adverse effect on site integrity where there is uncertainty or novel cases;
- PKC to consult SEPA on all detailed planning applications, proposing private waste water drainage, within the Loch Leven catchment, when acceptable mitigation proposals have been submitted, clearly specifying the reason for the consultation. SEPA to confirm to PKC that the submitted 125% phosphorus mitigation acceptable and figures are correct;
- PKC grant planning permission with relevant conditions; (1 & 3 or 2 & 3)
- PKC confirms receipt of a copy of CAR authorisation(s) including for any remote mitigation property prior to commencement of the development;

PKC confirms receipt of evidence of installation for any remote mitigation property prior to commencement of the development

- Building standards inspect new drainage infrastructure (s);
- PKC to maintain spreadsheet of mitigating properties;

- All parties to promote the Loch Leven Code of Practice: *Advice to planning applicants for phosphorus and foul drainage in the catchment.*
- Liaison meetings to be convened if requested by any party
- NatureScot and SEPA to provide PKC with scientific information pertaining to the status of the loch and the impacts of private waste water treatment systems on request/ or as required.

Note these conditions will be applied to all Full (FLL/FLM) planning permission and Approval of Matters Specified in Conditions (AML/AMM) planning permission. In the case of Planning Permission In Principle (IPL/IPM), PKC will include a condition that the development will need to comply with the Drainage Policies for the Loch Leven Catchment.

Community Investment Fund – Kinross-shire

(Report No. 22/96)

Voting Members of the Kinross-shire Local Committee were contacted, and the following decisions were agreed via email due to the urgency of the request:

Ward 8 – Kinross-shire		
Group	Project	Funding Recommended
Portmoak Village Hall	Portmoak Village Hall	£1,000
Broke Not Broken	Family Away Days	£5,013
Kinross Centre	Meals on Wheels	£2,000
Kinross & District Men's Shed	Events Trailer	£3,500
Sparks Group	Re-Group and Recovery	£2,300
Kinross-shire Volunteer Group	Community Support in Kinross-shire	£1,200
Kinross Community Council	Kinross Outdoor Gym	£1,000
TOTAL FUNDING		£16,013

The Committee is asked to note the position and homologate the decisions.

