

PERTH AND KINROSS COUNCIL

Enterprise and Infrastructure Committee – 7 November 2012

LOCAL DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE PHASE 1

Report by Executive Director (Environment)

ABSTRACT

This report provides a summary of the comments received on the various pieces of Supplementary Guidance published alongside the Proposed Local Development Plan. It makes recommendations for changes where appropriate and seeks consent to finalise and adopt the Supplementary Guidance in tandem with the Local Development Plan.

1. RECOMMENDATION(S)**1.1** The Committee is asked to

- i) approve the proposed changes to the various pieces of Supplementary Guidance as outlined in this report and its appendices
- ii) approve the various Supplementary Guidance documents to be taken forward with no change, as outlined in this report
- iii) delegate authority to the Executive Director (Environment) to make any further amendments to the guidance which are subsequently required to comply with the Habitats Regulations Assessment.
- iv) instruct the Executive Director (Environment) to finalise the Supplementary Guidance and to submit it to Scottish Ministers along with the Proposed Local Development Plan

2. BACKGROUND

- 2.1 Under section 22 of the Planning etc. (Scotland) Act 2006 and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 Supplementary Guidance (SG) can be adopted and issued by a planning authority in connection with a Local Development Plan (LDP) and any such guidance will form part of the development plan. Scottish Ministers' intention is that much detailed material can be contained in SG, allowing the plans themselves to focus on vision, the spatial strategy, overarching and other key policies, and proposals. Unlike the LDP which requires to be made available for a period of representation, Supplementary Guidance is made available for consultation and the comments received are not subject to Examination by a Reporter. The Proposed LDP sets out a list of SG to be prepared to support the policies and proposals in the Plan. The list covers both Guidance which was prepared and consulted upon during the representation period for the LDP and also guidance which will be produced at a later date. This report focuses on the former of these, the comments that

were received on them and suggests changes to the Guidance where considered appropriate.

- 2.2 The following table identifies which pieces of Supplementary Guidance were commented on, the key issues raised and the recommended response to these. Full details of all the comments received with responses are contained within Appendix 1 to this report and the revised Guidance is available in the Members Lounge (copies can be emailed to Members on request).

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Affordable Housing Guide	Yes	The threshold for on-site delivery of affordable housing should be the same in both rural and urban areas and should be set at 20 units.	The threshold of 5 units differentiates the development sites from rural small scale housing developments and offers an appropriate starting point for the policy in a large mixed urban and rural local authority area.
		There should be a tenure added for 'private subsidised rented accommodation' similar to the previous Rural Homes for Rent initiative, this would help supply in rural areas.	This is not a recognised affordable housing tenure as set out in the SG PAN 02/2010 and therefore has not been included within the supplementary guidance. However, developers should approach the Council if they want to provide their affordable housing requirement through an innovative route and their proposals can be considered by the Council. The supplementary guidance allows a case by case approach to the provision of affordable housing and for innovative approaches to be considered individually.
		Commutated sums – Firstly, there were several objections to the use of these monies to fund the Affordable Housing Enabler post and seeking to have this use removed. Secondly, that commuted sums should be returned to the developer if unspent after 5 years.	This is not a change or addition to the supplementary guidance from that initially agreed in August 2007. The Council argues an improved service hastening resolution of affordable housing issues and also planning application determination. There is clearly a need for the Council to provide a resource to carry out this work and that is considered to be a legitimate charge to the fund; including providing one point of contact for developers. Feedback from developers suggests that the Affordable Housing Enabler had improved the service. This is not a change from the original supplementary guidance; there needs to be the prospect of accumulating enough money to be able to make a meaningful contribution towards projects so 5 years is therefore considered a reasonable timescale. Regarding the reclaiming of unspent commuted sums, not all sums come forward through S75 and the supplementary

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Affordable Housing Guide			guidance allows developers to be able to reclaim unspent sums regardless of whether it has been made through a S75 or not. It is up to developers to reclaim any unspent commuted sums within this timescale. The commuted sums received and spent are recorded and monitored; a developer can enquire about spend of the sums, or whether they can be reclaimed, at any time.
		Methodology for calculation of affordable land value – this has always been disputed by Homes for Scotland and a number of their members and continues to be so.	<p>Disagree. The Council's interpretation of PAN 02/2010 (para. 22) is that the difference between affordable land value and market value is 'of a value equivalent to the cost of providing the percentage of serviced land required by the policy'.</p> <p>The Council is willing to review this approach once further guidance is published by RICS Scotland as this may affect the calculation of commuted sums.</p> <p>The proposed methodology is not intended to penalise developers but rather to ensure that the contribution is such that it enables the Council to purchase or assist an RSL to purchase an alternative plot of land in order that the same number of affordable housing units can be provided elsewhere.</p> <p>A standard sum approach has been adopted for each of the HMAs to provide certainty for developers early on in their proposals.</p>
		More clarity to be expressed in the development viability section regarding the cumulative effect of other developer contributions on site viability and effectiveness.	The Council acknowledges this point and believes the supplementary guidance allows this flexibility as is.

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Housing in the Countryside Guide	Yes	Insufficient scope for the cross-subsidy of rural business development from new build housing	Policy RD3 and the SG do not presume against such proposals providing that they are acceptable as a housing site in terms of at least one of the policy categories. There is support for the development or expansion of rural business through policy ED3: Rural Businesses and Diversification.
		Concerns as to the robustness of the policy and whether the detail of the SG provides adequate safeguards to protect open countryside	Concerns noted but it is considered that the policy is robust and that section 3 of the SG does provide adequate safeguards.
		Policy and SG need to be assessed as part of the Habitats Regulations Assessment	The policy and SG have been assessed as part of the HRA and mitigation measures to address the potential significant effects of the policy and its SG on Natura 2000 sites have been identified.
		Application of the policy and SG within Conservation Areas	Issue will be considered through the LDP examination process. If this results in a change to policy RD3 the SG will also be subsequently amended.
		SG must include specific additional protection for conservation areas lying outwith settlement boundaries	It is considered that policy RD3 together with policy HE3: Conservation Areas already provide a framework for assessing development proposals in such sensitive areas.
		Non-application of the policy and SG within the proposed greenbelt	Issue will be considered through the LDP inquiry process. If this results in a change to policy RD3 the SG will also be subsequently amended.
		Section 1: Building Groups too vague	Concerns noted but it is not considered appropriate to be any more prescriptive as to what constitutes a building group or definable site as this will vary and depend on the individual layout and pattern of each settlement. It could also be contrary to the direction in SPP for development plans to support more opportunities for small scale housing development.
		Section 2: Infill Sites should allow for minor settlement expansions or adjustments	Reviews of settlement boundaries are most appropriately addressed through an LDP review.
		Policy should be more explicit that the restoration of buildings should be favoured over replacement	Issue will be considered through the LDP inquiry process. If this results in a change to policy RD3 the SG will also be subsequently amended if necessary.

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Housing in the Countryside Guide			
		Should be more emphasis on retention of agricultural buildings for employment uses	Section 5 requires an applicant to demonstrate a building has become redundant. It is also proposed to add a new criterion to this section requiring that there are no other pressing requirements for other uses such as business or tourism on the site.
		Inconsistency between the definition of brownfield land in the SG and LDP / national planning policy; definition in the SG should not exclude land containing buildings	Experience of the 2005 policy demonstrated that allowing brownfield sites containing areas, such as yards, to be developed led to large scale suburban type housing development which met with significant public opposition. In the 2009 review it was acknowledged that the best way of dealing with this type of site would be through a policy in the new LDP, or alternatively identification of the site in the LDP since there may be uses other than housing appropriate on such sites, e.g. business or tourism. Section 6 was therefore retained but purposefully excluded land adjacent to buildings to discourage further applications for large scale housing. The requirement for proposals to result in the removal of dereliction or significant environmental improvement was to take into account land significantly degraded by a former activity. Land containing buildings can still be assessed under section 5 of the SG. It should also be noted that policy RD3 and section 6 of the SG refer specifically to <u>rural</u> brownfield land and so the definition differs from the LDP glossary wider definition of brownfield land within settlements. It is not considered that the differing definition of rural brownfield land constitutes a departure from national policy for the reason set out above and as such the SG is considered in line with legislative requirements.

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Loch Leven SPA and Ramsar Site Advice to planning applicants for phosphorus and foul drainage in the catchment	Yes	Supportive comments from SNH and SEPA	Support welcomed
River Tay SAC Advice for A Guide to Incorporating Biodiversity into Development Householders' Guide to Biodiversity Biodiversity: A Developer's Guide	Yes	Only 3 representations were received in relation to these documents. The main concerns expressed relate to the updating of legislation which has taken place since the SG was first written in 2008, and the robustness of the advice, questioning if it is sufficient to ensure Biodiversity requirements are taken into account in development proposals.	<p>The Tay SAC SG was the product of collaborative working between SNH, the Council and SEPA. Similarly the Biodiversity Householder's guide, Developer's Guide and Guide to Incorporating Biodiversity into Development, were all products of the Tayside Biodiversity Partnership, and as such are not solely the Council's documents.</p> <p>Whilst it is acknowledged that some of the references to legislative changes and licensing arrangements need updated, it is considered appropriate to await the outcome of the current consultation on the 2020 Challenge for Scotland's Biodiversity as it is likely to bring further changes.</p> <p>These pieces of Supplementary Guidance will therefore be carried forward in their present form as non-statutory guidance and not submitted to Ministers along with the Proposed Plan.</p>

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
	Yes	The Supplementary Guidance does not take account of the impact developer contributions have on development viability. Individually the contributions may be acceptable but cumulatively they could make a development unviable.	<p>Local Authority funding has declined and the increasing population has already placed heavy demands on public sector services and infrastructure capacity. To meet this increase in population new development is required as well as increases in infrastructure such as education and transport. Without investment in this infrastructure new development cannot be serviced and becomes unacceptable in planning terms. In line with Circular 1/2010 it is appropriate for new development to mitigate its impact where it is fairly and reasonably related in scale and kind to the proposed development. Supplementary Guidance will set out the contribution level which is related to the impact of new development.</p> <p>Ongoing discussions are taking place with the development industry representatives 'Homes for Scotland' on the issue of development economics. The period of Representation provided an opportunity for all interested parties to raise concerns about the level of contributions which are being sought.</p>
Developer Contributions December 2011 incorporating Primary Education and A9 Junction Guidance		The way in which the contributions are being sought does not meet all the tests of Planning Circular 1/2010. The threshold for a contribution towards primary education is set too low at 80% and should be increased to 90% or above.	<p>Paragraph 2.5 defines that planning agreements will only be sought where identified tests are met and has been clarified to indicate that the tests relate to Circular 1/2010 and that contributions will only be sought where all are met.</p> <p>Scotland's population continues to show a rising trend with Perth and Kinross increasing over 10% in the last 10 years. Where the majority of other council areas in Scotland have a declining pupil role, in Perth and Kinross it is still rising and this increase is expected to continue over the next 10 years putting pressure on the school estate.</p>

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Developer Contributions December 2011 incorporating Primary Education and A9 Junction Guidance			<p>In order to plan and manage the school estate so that capacity is available when needed adequate notice is required of growing pressures. At 80%, some but not all of the primary streams are full or approaching it, and our ability to accommodate primary pupils of any age to classes, may be compromised. 80% capacity allows sufficient space to reorder classes if the age profile of the school roll changes and tries to ensure that primary pupils moving into the catchment area during an academic year can be accommodated. There is also a need for time to consider impact, plan, seek approval for any adjustments to the capital plan, design and build the accommodation whilst minimising disruption to the education of existing pupils at the school. Where Capital funding is required to develop new accommodation a bid for capital funding is made as developer contributions do not fully cover the cost of building new accommodation. The Council's process runs five years ahead e.g. a bid made in 2012/2013 is for funding in 2017/2018, and case studies have shown that, over this time period, school rolls can increase significantly.</p>
		<p>Education contributions should not be sought from residential developments for over 50's and essential farm workers</p>	<p>It is expected that the 50+ age group may still have a requirement to have children in their home as family circumstances change. The Council would have no effective way of monitoring the use of the properties in residential developments for over 50's or any power to restrict their use. No planning permission would be required to change the title deeds and make the properties available on the open market with unrestricted occupancy which could be used by families with children.</p> <p>Housing for essential workers in agriculture are not occupancy restricted for habitation by children. They can have the same impact on primary school capacity as any normal residential development. In future years their use</p>

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<p>Developer Contributions December 2011 incorporating Primary Education and A9 Junction Guidance</p>			<p>for agricultural workers may change and they are sold on the open market as private dwellings.</p>
		<p>The criteria for spending education contributions is not suitable; spending contributions in a different school catchment does not mitigate the impact of the new development which made the contribution. The period of time that the Council holds the contributions should be lowered to 5 years.</p>	<p>Some school sites are constrained and it is not possible to increase the capacity on site but by using the contributions to expand capacity in a neighbouring school the impact of the new development can be accommodated. The Council has a requirement to provide school places for children and the contribution helps facilitate this. Contributions do not cover the full cost of new education infrastructure. Education infrastructure projects generally have large lead in times. The contributions will not immediately cover all of the costs of infrastructure improvements and there needs to be the prospect of accumulating enough money to be able to make a meaningful contribution towards projects. It is considered that a period of 10 years allows contributions to be built up and gives scope for infrastructure to be designed and put in place.</p>
		<p>The way the Auchterarder Contribution is calculated should be reviewed. It should place a larger percentage of the cost associated with existing traffic onto new development out-with the Auchterarder Development Framework.</p>	<p>Apportioning the existing traffic impact to new developments would not be in line with Circular 1/2010 in that the contribution would not fairly and reasonably relate in scale and kind to the proposed development. The Opp3 Development Consortium volunteered to take on the cost of the junction improvements in advance of the work being carried out by the Trunk Road Authority Transport Scotland. The Supplementary Guidance identifies that there is a benefit to other new development in the area and apportions the equivalent impact of new development on the junction through a financial contribution. As the junction improvements relate to a trunk road the impact of existing traffic should be borne by the Roads Authority.</p>

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Airfield Safeguarding	Yes	The size of the airfield safeguarding zone within which consultation with the airport operator is necessary	Revised text and maps to be included in this section to clearly set out the consultation zones and clarify prejudicial developments.
		More emphasis should be placed on making airfield safeguarding proportionate, understandable and transparent in the determination of planning applications by the planning authority	The airfield safeguarding zone is defined by CAA as a 2,000 metre radius from the centre point of the runway or airfield. The purpose of this SG is simply to set out when consultation with the airfield operator is necessary. The scope of information needed and timescales for determining planning applications are dealt with more generally elsewhere.
		There is a requirement to keep the SG up to date with CAA safety regulations and other guidance	Text to be revised and maps to be updated in accordance with CAP 793, which is applicable to unlicensed airfields, and GAAC fact sheets.

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
		amendments to the SG are requested to take account of specific local circumstances or particular activities	The purpose of this SG is simply to set out when consultation with the airfield operator is necessary. The area safeguarding zone is prescribed by CAA at 2,000 metres in accordance with CAP 793 Safe Operating Practices at Unlicensed Aerodromes and the SG requires consultation within this zone.
Auchterarder expansion Townhead and North East Development Framework - March 2008	Yes	Amend Supplementary Guidance to give more support for Auchterarder town centre; prevent any increase of traffic volume, noise and congestion in the town; and improve car parking and public transport. The Affordable Housing provision level should be reviewed and the Supplementary Guidance should include a plan showing the location of the social/affordable housing proposed in each phase.	The Development Framework contains detail sufficient to its level of guidance. It is appropriate to consider further more detailed matters at the planning application stage.
Oudenarde Masterplan May 2001	Yes	Masterplan needs updated to take account of current Scottish Government policy on Designing Places and in relation to Scottish Planning Policy	Any issues with regard to Designing Places and SPP can be taken account of at planning application stage.
Blairgowrie Conservation Area Appraisal - September 2007	Yes	<p>Blairgowrie Conservation Area to be withdrawn to facilitate development within town centre sites which should be made easier and more attractive for potential developers to consider them. Problem faced by developers in Blairgowrie town centre is that most of the sites are either covered by the Conservation Area or Listed Building or both. Developers should be encouraged and incentivised to consider town centre sites over green field sites.</p> <p>Revoke Conservation Area and lift planning restrictions on empty, disused and derelict buildings.</p>	The designation of Conservation Areas seeks to recognise the Historic Importance of an area within the urban environment. The designation seeks to ensure that future development not only protects the historic environment and through planning policies and supplementary guidance provides an opportunity to provide development of a high quality and design including innovative contemporary design as well as more traditional design styles. The guidance does not include restrictions on empty, disused and derelict buildings and would in fact encourage their redevelopment. The Conservation Area within

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			Blairgowrie should be retained.
Crieff Conservation Area Appraisal - February 2009 Crieff Conservation Area Appraisal - February 2009	Yes	Extend Conservation Boundary to include 2 historic properties Barnock and Barnkittock.	The designation of the Conservation Area in Crieff seeks to recognise the Historic Importance of an area within the urban environment. The properties are immediately north of the Conservation Area between Comrie Road and Milnab Street. Given the development within the grounds of the properties the integrity of the historic environment has been compromised and it is not considered that there is a justification for the extension of the Conservation Area to include these properties. Given that the properties are adjacent to the Conservation Area relevant policies relating to protection of its setting are appropriate.
Scotlandwell Conservation Area Appraisal - June 2009	Yes	Conservation Area should be extended around and outside the settlement, in particular to the south in the same way it extends over the adjacent hillside to the north. Welcomes the Scotlandwell designation but has no confidence in recent planning decisions which are considered to be obtrusive, out of scale and detract from the appearance of the village from the south. Weakness of current designation as only applies to the more historic buildings and hills and not the foreground.	The designation of the Conservation Area in Scotlandwell not only includes the historic urban environment but the historic merit of the rigg system to the north of the settlement. There is no justification for the extension of the Conservation to the south which would include new development and agricultural land. There are sufficient policies such as the setting of the Conservation Area and those related to development within the countryside that would be appropriate for future development.
Pitlochry Conservation Area Appraisal - April 2007 Coupar Angus Conservation Area Appraisal - July 2007 Blair Atholl Conservation Area Appraisal - October 2007 Grandtully & Strathtay Conservation Area Appraisal - September 2008 Perth Central Conservation Area Appraisal - September 2008	No	None	Carry forward and submit to Ministers as is

SUPPLEMENTARY GUIDANCE	REPS RECEIVED	ISSUES RAISED	RESPONSE
Aberfeldy Conservation Area Appraisal - November 2008			
Errol Conservation Area Appraisal - August 2009			
Perth Kinnoull Conservation Area Appraisal - April 2010			
Dunning Conservation Area Appraisal - July 2010			
Kinross Conservation Area Appraisal - July 2010			
Comrie Conservation Area Appraisal - September 2010			
Muthill Conservation Area Appraisal - January 2011			
Dunkeld Conservation Area Appraisal - June 2011			
Kenmore Conservation Area Appraisal - November 2011			

3. CONSULTATION

- 3.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

4. RESOURCE IMPLICATIONS

- 4.1 All costs associated with the printing and publishing of the Supplementary Guidance can be contained within the existing 2012/13 Development Planning Revenue Budget.

5. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 5.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. This report impacts on the following:-

- (i) A Safe, Secure and Welcoming Environment
- (ii) Healthy, Caring Communities
- (iii) A Prosperous, Sustainable and Inclusive Economy

6. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 6.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 6.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as relevant and the following positive outcomes expected following implementation:
- 6.3 Affordable Housing Supplementary Guidance seeks to ensure that there is adequate provision of affordable housing throughout the Council area to meet the housing needs of the local population.
- 6.4 The Supplementary Guidance supports the land use policies and proposals of the LDP. The implementation of the Guidance is not determined by a person's race, gender, disability or any other protected characteristic and therefore the impact of the Guidance should have a positive (as indicated in the promotion of the above policies) or neutral impact on the population in terms of equality.

7. STRATEGIC ENVIRONMENTAL ASSESSMENT

7.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

7.2 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and the determinations reached for each of the relevant pieces of supplementary guidance are set out below.

7.3 Affordable Housing Guide

7.3.1 Pre-screening of the original Guide identified that the PPS would have no or minimal environmental effects and there are no changes proposed that would necessitate revisiting. The reason(s) for concluding that the PPS will have no or minimal environmental effects is that it will not set a new framework, but rather supplement existing Council policy on affordable housing. The purpose of this guidance is to provide additional information on the application and implementation of the Council's affordable housing policy, it explains in more detail when and how to apply Perth and Kinross Council's Affordable Housing policy which is aimed at ensuring the delivery of affordable housing in the Council area.

7.4 Housing in the Countryside Guide

7.4.1 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 was completed and submitted to the Consultation Authorities together with the draft PPS for their consideration.

7.4.2 The key findings of the Environmental Report were that overall it will have positive environmental effects, specifically with reference to maximising re-use of land/buildings, conserving important elements of built cultural heritage, guiding development to minimise or avoid risks associated with the effects of climate change e.g. flood risk, and also meeting the desire for people to live in the countryside. And the PPS has been modified by adding a new criterion to section 5 requiring that there are no other pressing requirements for other uses such as business or tourism on the site.

7.5 River Tay SAC Advice for Developers, A Guide to Incorporating Biodiversity into Development, Householders' Guide to Biodiversity, and Biodiversity: A Developer's Guide

7.5.1 The report is not recommending any changes to these documents at the present time and they will be carried forward as non-statutory guidance. Any future review will be subject to SEA.

7.6 Developers contributions December 2011 incorporating Primary Education and A9 Junction Guidance

- 7.6.1 Pre-screening has identified that the PPS will have no or minimal environmental effects, it is therefore exempt and the SEA Gateway has been notified. The reason(s) for concluding that the PPS will have no or minimal environmental effects is that as the policy itself will not result in any physical development, but rather provides a statement of the Council's general intent in respect of when and how it will seek financial contributions from developers related to their proposals. Therefore it is considered unlikely that it would have a significant effect on any of the SEA topics listed under Schedule 3 of the 2005 Act.

7.7 Airfield Safeguarding

- 7.7.1 Pre-screening has identified that the PPS will have no or minimal environmental effects, it is therefore exempt and the SEA Gateway has been notified. The reason(s) for concluding that the PPS will have no or minimal environmental effects is that as it relates to the compatibility of new developments with the safe operation of existing airfields. It does not deal with physical development but sets out the criteria where additional assessments will be required for new development within the vicinity of the identified airfields.

7.8 Blairgowrie Conservation Appraisal - September 2007, Scotlandwell Conservation Area Appraisal - June 2009 and Crieff Conservation Area Appraisal - February 2009

- 7.8.1 Screening has determined that there is unlikely to be significant environmental effects and they are therefore exempt and the Consultation Authorities have been notified.
- 7.8.2 The reason for concluding that the PPS are unlikely to have significant environmental effects is that following discussion with the Consultation Authorities it was decided that future conservation area appraisals should not require SEA unless they contain proposals with particularly significant environmental effects, which none of these appraisals are predicted to be likely to have.

7.9 Auchterarder expansion Townhead and North East Development Framework – March 2008

- 7.9.1 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 was completed in 2008 and has already been submitted to the Consultation Authorities together with the draft PPS for their consideration.

7.9.2 Mitigation measures/ modifications to the PPS were made in relation to impacts on biodiversity, flora and fauna, soil and geology, air quality and noise, landscape and visual effects and infrastructure.

7.10 Oudenarde Masterplan May 2001

7.10.1 The report is not recommending any changes to the Masterplan and it will be carried forward as non-statutory guidance.

8. CONCLUSION

8.1 This report recommends changes to various pieces of Supplementary Guidance in response to the consultation carried out alongside the Proposed LDP. It is proposed that this Guidance should be approved for sending to Scottish Ministers so that it can become adopted SG with the same statutory status as the LDP.

**JIM VALENTINE
EXECUTIVE DIRECTOR (ENVIRONMENT)**

Note:

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

Planning etc. (Scotland) Act 2006

The Town and country Planning (Development Planning) (Scotland) Regulations 2008

Proposed Local Development Plan Report to council January 2012 (12/5)

Letters of representation received in respect of the Supplementary Guidance

Contact Officer: Brenda Murray, 475343, bemurray@pkc.gov.uk
Address of Service: Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
Date: 26 October 2012

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APPENDIX 1

Comments received on the supplementary guidance

COMMENTS ON AFFORDABLE HOUSING GUIDE (December 2011)

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
Section 1 – Introduction and Proposed Affordable Housing Policy				
10214/1/002	We recommend the title of the document be amended from “Affordable Housing Guide” to “Affordable Housing Supplementary Guidance”.	HfS	Agree with proposed change of title	Yes
10214/1/002	The Affordable Housing Policy in the new LDP is quoted but the quote doesn't reflect what is written in Policy RD4 of the Proposed Plan.	HfS	A drafting error, has been amended so Policy RD4 in the LDP is reflected in the supplementary guidance.	Yes
09817/1/001	Until now, the quota aspect of the policy has operated on the basis that, in the case of a 25% levy three mainstream houses must deliver one affordable house. Although this is administratively convenient it takes no account of the fact that delivering one affordable unit on the back of three middle to high value houses is quite different from a project where the private element consists of three small, low-cost units. In some cases the private houses will be smaller than the affordable units they are expected to sustain and therefore, it would be more equitable to express the quota in floorspace terms – i.e. that the developer's obligation is calculated at, say, 25% of the mainstream floor space created	GS Brown	The quota aspect reflects Scottish Government policy and advice and is therefore consistent nationally.	No
09727/3/002	We would wish to see the phrase “including conversions” removed because conversions of traditional buildings are particularly difficult and expensive to undertake. Conversion to housing is a good way to ensure a future for many traditional and historic buildings that are otherwise redundant for their original use and not suited to modern needs. Therefore it is not wise to add further to the cost of conversion of these valued properties by requiring affordable housing provision as part of any development.	Smiths Gore	Acknowledge conversions can incur greater development costs, however we feel that this phrase should remain in the guidance as the affordable housing contribution can be reduced to take account of abnormal development costs and therefore keep projects viable.	No
10080/6/001	The policy set out within the supplementary guidance for affordable housing linked to Policy RD4 should be changed to read: “Housing developments of five units or more are expected to contribute to the target of up to 25% of the total number of units as affordable housing. This will be assessed on a site by site basis taking into account all aspects of development viability.”	Stewart Milne Homes	The supplementary guidance allows for all applications to be assessed on a site by site basis and it is therefore not necessary to have this stated in the policy.	No
09817/1/001	Any quotas in excess of 25% are, by definition, likely to be uneconomic	GS Brown	The Council acknowledge this point and confirm there are no quotas suggested in excess of 25%.	No

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
09727/3/002	In relation to the 25% requirement it is recognised as a national benchmark for affordable housing provision but it is also hugely important that the SPG reflects the current market position and does not hinder the development of market housing while funding and solutions for the affordable housing element are explored. As per the letter from Jim Mackinnon to Heads of Planning on 15 March 2011 the key message for LAs is that of flexibility and responsiveness to approaches to affordable housing.	Smiths Gore	The Council acknowledges and agrees with this response, the issue of flexibility and responsiveness is covered in the supplementary guidance.	No
09727/3/002	The threshold of 5 units and above being the trigger for affordable housing is a low benchmark in comparison to many other LAs and we would suggest that 10 units of above would be a more realistic and robust figure in the current market.	Smiths Gore	The threshold of 5 units differentiates the development sites from rural small scale housing developments and offers an appropriate starting point for the policy in a large mixed urban and rural local authority area.	No
09817/1/001	We are pleased that the Council's policy is coming into line with central government guidance by making provision for a "mutually agreed independent valuer".	GS Brown	Noted.	No
10080/1/001	Objection is made to the flexibility built in to the policy for delivery of on-site provision (point ii, page 3). The Council, where it serves their purpose have chosen to lower the threshold for on-site affordable housing to 10 units in areas outwith those specified. This is not acceptable.	Stewart Milne Homes	The rational takes account of the difference in development size between the more urban areas and a lesser threshold in the more rural locations. We recommend this should remain as it is currently in the supplementary guidance.	No
Section 4 – Types of affordable housing				
10080/4/001	Delivery of affordable housing provision should be made as flexible as possible by PKC. The supplementary guidance should include the term "entry level" housing as a mechanism for delivery of small private housing units as a recognised method of delivering low cost units to the market place. The Council set out "unsubsidised low cost housing for sale" as a definition of affordable housing delivery. Entry level housing is exactly this.	Stewart Milne Homes	This tenure of affordable housing provision is covered on page 11, point v. Entry level housing is a form of unsubsidised low cost housing for sale.	No
09727/3/002	Should allow for "private subsidised rented". The SG Rural Homes for Rent Initiative pioneered this approach very successfully and there may be opportunities for such schemes in the future. Again the flexibility and innovation in approach to affordable provision	Smiths Gore	This is not a recognised affordable housing tenure as set out in the SG PAN 02/2010 and therefore has not been included within the supplementary guidance. However,	No.

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
	encouraged by the Chief Planner is vital. There should be two additional categories added to the list as follows: vi) Private Subsidised Rented – approaches similar to Rural Homes for Rent scheme will be considered. vii) Innovative Approaches to Provision of Affordable Housing – innovative approaches to the provision of affordable housing will be explored and supported wherever possible.		developers should approach the Council if they want to provide their affordable housing requirement through an innovative route and their proposals can be considered by the Council. The supplementary guidance allows a case by case approach to the provision of affordable housing and for innovative approaches to be considered individually.	
Paragraph 5.2 – The delivery of affordable housing				
09817/1/001	The type of affordable housing required has a direct bearing on the land acquisition price. For example, the District Valuer has argued in the past that land for social rented housing has “nil value”. Developers therefore need to know at the time of negotiating the acquisition of the land what type of housing is required so that they can factor this into negotiations. We have not found this guidance readily available in the past and this requirement needs to be addressed urgently.	GS Brown	The Council acknowledges this point and concedes that due to the uncertainty of Scottish Government funding and timescales it can be difficult to give a developer certainty on the type of affordable housing for a particular site prior to planning. However, highlighted in response is the difficulty in setting this out when the proposed development is not known yet, nor the timescales for site start or delivery as these all affect priorities for funding.	No
09727/3/002	Scone Palace and Estates disagrees with the variation in thresholds for affordable housing in rural areas which purports to take account of the difference in development size between urban and rural areas. But it also fails to take account of the fact that rural sites may also be more marginal in cost and sales terms and may therefore struggle to provide units on-site. The threshold should be the same for urban and rural areas.	Smiths Gore	As set out earlier the rationale is to take account of the difference in development size between the more urban areas and a lesser threshold in the more rural locations. We recommend this should remain as it is.	No
Paragraph 5.3 – Commuted Sums				
09817/1/001	At the third bullet point on page 17 it states that a commuted sum will be appropriate “where there is sufficient supply of affordable housing in the area”. Surely, if the supply in an area is adequate there should be no requirement for a commuted sum or the quota in any other form.	GS Brown	Agrees the wording here is misleading, it should not be “sufficient supply” as it refers to areas with a “high concentration” of social rented housing which would perhaps benefit from other tenures being introduced rather than more social housing. A commuted sum is preferred in these circumstances so the	Yes

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
			social rented units can be delivered in other high need areas within the HMA. The wording has been amended.	
09727/3/002	Page 17, the mechanism for payment of commuted sums is discussed and the simplest mechanism is put forward as an up-front payment. The paragraph does not state that where this is not possible it may be possible to stage the payment. It is vital that this scope for gradual payment is retained in the document. It would be extremely difficult for developers in the current economic climate to provide all of the money up-front.	Smiths Gore	The Council has been working with phased payments for commuted sums through section 75 agreements over the last few years; the wording has been changed to state this more clearly in the paragraph.	Yes
09817/1/001 10214/1/002 09727/3/002 10080/2/001	Objection to the use of commuted sums to fund an Officer post within the Council; Council have statutory functions which should not be funded by developers through developer contributions. The use does not comply with Scottish Government policy as set out in Circular 1/10: Planning Agreements. Urge the Council to remove this element of the paragraph on page 17.	GS Brown, HfS, Smiths Gore, Stewart Milne Homes	This is not a change or addition to the supplementary guidance from that initially agreed in August 2007; during the consultation on the original Affordable Housing Guide in 2007 the local chairman of Homes for Scotland was consulted and agreed to the proposal to put a small amount of the commuted sums towards the funding of an Affordable Housing Officer post. The Council argues an improved service hastening resolution of affordable housing issues and also planning application determination. There is clearly a need for the Council to provide a resource to carry out this work and that is considered to be a legitimate charge to the fund; including providing one point of contact for developers.	No
10214/1/002 10080/3/001 09727/3/002	It is not acceptable that developers have a 'window' to reclaim unspent commuted sums between year 5 and 6. This should be removed and any unspent commuted sums returned to developers after 5 years; for clarity this should be written into S75s or planning conditions.	HfS, Stewart Milne Homes, Smiths Gore	This is not a change from the original supplementary guidance; there needs to be the prospect of accumulating enough money to be able to make a meaningful contribution towards projects so 5 years is therefore considered a reasonable timescale. Regarding the reclaiming of unspent commuted sums, not all sums come forward through S75 and the supplementary guidance	No

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
			allows developers to be able to reclaim unspent sums regardless of whether it has been made through a S75 or not. It is up to developers to reclaim any unspent commuted sums within this timescale. The commuted sums received and spent are recorded and monitored; a developer can enquire about spend of the sums, or whether they can be reclaimed, at any time.	
09817/1/001	On page 20 we strongly support the Council's stance that the valuation of land for affordable housing should be carried out for each HMA rather than as a single calculation for the whole area.	GS Brown	Noted	No
10214/1/002 09727/3/002	Strongly dispute the methodology used by PKC to calculate the value of affordable housing land. The Council is waiting for guidance from RICS and in the meantime continues with flawed methodology. This is untenable. No justification for the commuted sum to be the difference between open market and affordable land values. This is inequitable and unjustified, and would in effect be yet another tax on development. The commuted sum should be the value of an affordable housing plot as this should be enough to help an RSL purchase land in the same HMA with the same use restriction if there is enough land allocated in the LDP. Suggested a standard sum would be a clear approach if applied to the valuation of affordable housing land, and is one that already operates by agreement with the development industry in other parts of the country. Essential that the valuation issue is resolved and clearly reflected in policy.	HfS, Smiths Gore	Disagree. The Council's interpretation of PAN 02/2010 (para. 22) is that the difference between affordable land value and market value is 'of a value equivalent to the cost of providing the percentage of serviced land required by the policy'. The Council is willing to review this approach once further guidance is published by RICS Scotland as this may affect the calculation of commuted sums. The proposed methodology is not intended to penalise developers but rather to ensure that the contribution is such that it enables the Council to purchase or assist an RSL to purchase an alternative plot of land in order that the same number of affordable housing units can be provided elsewhere. A standard sum approach has been adopted for the HMAs to provide certainty for developers early on in their proposals.	No

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
Paragraph 5.4 – Valuation of land for affordable housing				
09817/1/001	Reference is made in para 5.5, page 20, to the “reduced” level of funding from the Scottish Government to RSLs. In recent times such funding had virtually collapsed and led to the breakdown of the traditional partnership between developers and RSLs in relation to affordable housing. At the top of page 21 there is a very vague description of a scenario in which developers can contribute to the provision of affordable housing when no RSL funding is available. It is not at all clear from the description how this would work and that is no doubt because the idea has not been thought through. Much greater clarity is required on this aspect of the policy since it will be central to valuation and land negotiations. We remain of the view that an affordable housing obligation for a particular development should be held over a site for a maximum of 5 years after which, if no RSL is able to participate, the obligation should be lifted.	GS Brown	The affordable housing can be provided without Scottish Government subsidy through either unsubsidised affordable housing tenures on-site, off-site, or by commuted sum therefore it is felt that although the reduced funding available does make delivery more difficult it is not impossible and therefore there should be no time limit for developers to provide their obligation.	No
Paragraph 5.5 – They type of affordable housing required				
10080/5/001	There should be no sequential approach taken for the delivery of affordable housing within PKC. Each site should be assessed on an individual basis through discussion with the Planning Authority. This will enable the Council to deliver and maximise on-site affordable provision at this time of severe Government subsidy cuts to RSLs.	Stewart Milne Homes	The sequential approach sets out the Council's decision making process to make it clear for developers; however it is noted that each site is looked at on an individual basis to optimise the delivery of the affordable housing contribution taking account of the homogenous character of land and development.	No
Paragraph 5.8 - Densities				
09817/1/001	The density a developer proposes for a particular site is influenced by market consideration and the commercial judgement should not be over ridden by the desire of officials to secure an affordable housing quota.	GS Brown	The securing of affordable housing is Council and Scottish Government policy. In any event this is not the intention of this paragraph; it is there to deal with applications which come forward in phases (usually under 4 units) for the same site. It allows a cumulative calculation to be made reflecting the overall development rather than officers affecting a developer's commercial decision making.	No

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
Paragraph 5.11 – Houses for private rent				
09727/3/002	This states that tied accommodation or properties built by private Estates for essential workers and subject to occupancy restrictions may have a commuted sum applied retrospectively if a request for removal of the condition is applied for. It must be absolutely clear that this will only be the case where the unit has been treated initially as part of an affordable housing contribution.	Smiths Gore	The supplementary guidance reflects this position already and it's not felt necessary to amend the wording.	No
Paragraph 5.13 – Retention of houses as affordable				
09817/1/001	Planning conditions or restrictions in a property's Title Deeds requiring affordable housing occupation in perpetuity may prevent the engagement of lenders to finance projects.	GS Brown	The Council acknowledges this and looks at each case on an independent basis with the developer; the title deeds can have other restrictions in place if 'perpetuity' is restricting the development through the bank's willingness to lend.	No
Paragraph 5.14 – Process for dealing with Section 75 Agreements				
09817/1/001	Section 75 Agreements have been a major source of delay and we remain of the view they should be avoided wherever possible and, when they are to be used, a timescale for production be agreed in advance.	GS Brown	The Council agrees with the response and also the Scottish Government's advice on planning agreements although in our experience delays are also caused by developers. The timescale involved depends on the complexity of the affordable housing delivery and on occasion delays can not be avoided during negotiations.	No
Paragraph 5.15 – Development Viability Statements				
09727/3/002	We would look for flexibility on the 25% when other developer contributions are having a cumulative detrimental impact on the viability of a site. If PKC choose to seek inappropriately high affordable housing contributions from new residential development this will threaten the viability of new development and in some areas could result in no new development coming forward altogether.	Emac Planning	The Council acknowledges this point and believes the supplementary guidance allows this flexibility as is.	No

COMMENTS ON HOUSING IN THE COUNTRYSIDE GUIDE (DECEMBER 2011)

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
General comments				
(00390/1/001)	Current HiCP 2009 considered fit for purpose. It amended and tightened the 2005 policy which allowed for inappropriate development. Support the inclusion of the 2009 policy in the LDP and wish to see it rigorously enforced to prevent ribbon development or suburbanisation of both open countryside and adjacent to those small settlements without boundaries.	Ms S & A Fraser And Ramsay	Support welcomed	No
(00391/1/003)	Support terms of the HiCP 2009 and support its inclusion as SG in the LDP. Amended and tightened up the 2005 policy which allowed for inappropriate development.	The Braes of the Carse Conservation Group	Support welcomed	No
(09594/1/002)	Supports the proposal not to liberalise / loosen the constraints on new housing as included in the Housing in the Countryside Guide in order to protect rural landscapes from development spread.	Mr W Fraser	Support welcomed	No
(10074/1/001)	HiCP was reviewed in 2009 when it became apparent the previous policy was open to interpretation and allowed unsuitable development. Recent policy gives greater clarification and is fit for purpose as such any major review of it within the time period of the consultation on the LDP would be inappropriate.	Ms C Culley	Support welcomed	No
(00634/1/004)	Support HiCP to address inappropriate development in very sensitive areas that are open to exploitation by developers who often have little regard for the local community or use of agricultural land.	J & C Ritchie	Support welcomed	No
(02633/1/005)	Presumes policy RD3 is based on the unanimously approved 2009 policy in which case it should be fit for purpose.	Cllr M Barnacle	Support welcomed	No
(09125/1/001)	Support policy RD3	Matthew Pease Architect	Support welcomed	No
(09389/1/004)	Policy RD3 and SG do not allow sufficient scope to enable	Mr J Fitzpatrick on	Policy RD3 and SG do not presume	No

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	existing and proposed rural businesses to gain cross subsidy capital for business development through new build residential development. This does not meet the terms of SPP para 94 & 95.	behalf of Mr A Donaldson	against such proposals providing that they are acceptable as a housing site in terms of at least one of the HiCP categories. There is support for the development of rural businesses through policy ED3: Rural Businesses and Diversification.	
(00786/1/003)	Supports development on rural brownfield land but concerned about the construction of new houses in the open countryside. Require further assurance that the detail of the SG provides adequate safeguards and carries the same authority as the full information in the LDP.	Ms F Ross	Concerns noted but it is considered that section 3 of the SG does provide adequate safeguards. Under the terms of the Planning etc (Scotland) Act 2006 the Council may adopt and issue SG in connection with an LDP. Any such SG will form part of the development plan.	No
(00788/1/007)	Supports development on rural brownfield land but concerned about the construction of new houses in the open countryside. Require further assurance that the detail of the SG provides adequate safeguards and carries the same authority as the full information in the LDP.	Carse of Gowrie Sustainability Group		
(00743/4/001)	Policy RD3 is not specific on the impact of residential development on road infrastructure and the effect on existing village occupiers.	Mr D Davidson	SG criterion c) For All Proposals requires satisfactory access and services to be available or capable of being provided by the developer. Such impacts are also assessed through the planning application process.	No
(09163/4/016)	There are a range of small settlements within Scone Estate which lend themselves to small amount of incremental growth in line with HiCP. Release of small number of plots for houses can provide a source of capital, sustain local services and provide accommodation for local people. Neither the SG or LDP deals with such settlements; LDP para 4.2.2 is unclear as to whether growth in non-tiered settlements is nil or limited. LDP should make clear small settlements can be considered as housing clusters under HiCP.	Smiths Gore on behalf of Scone Palace & Estate	Section 1 of the SG already defines what will be considered a building group under the terms of policy RD3.	No
(05211/2/001)	Recommend Policy RD3 and SG (Dec 2011 version) is assessed as part of the HRA in relation to water quality and bird disturbance to comply with the Habitats Directive. SNH also made comments previously on the Appropriate Assessment of	Scottish Natural Heritage	The policy and SG have been assessed as part of the HRA. To address the potential significant effects of the policy and its SG on	Yes

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	the SG 2009 review where they disagreed with the conclusion reached that there will be no adverse impacts on site integrity in relation to disturbance of birds.		Natura 2000 sites it is proposed to amend criteria I) of the SG which applies to all proposals to read: I) 'Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Lochs and the River Tay SACs'. Please note this is pending final agreement with SNH.	
(06950/1/002)	Policy RD3 will have a very important part for controlling any housing development in Kinross-shire but question whether it is sufficiently robust to do this.	Kinross-shire Civic Trust	Concerns noted but consider that experience of operating the policy since it's review in 2009 has shown the 2009 HiCP (now policy RD3 and SG) to be robust in controlling inappropriate residential development.	No
(06950/1/002)	If the policy of the LDP is to constrain housing within defined limits and there are sufficient housing numbers to comply with TAYplan there should be no need for additional housing as defined by HiCP which developers will use to build more houses whether needed or not.	Kinross-shire Civic Trust	Issue will be considered through the LDP inquiry process. If this results in a change to policy RD3 the SG will also be subsequently amended.	No
(00048/1/005)	As a result of the alteration to Cleish settlement boundary policy RD3 would apply to land within the conservation area resulting in contradictions to the stated aims of LDP para 7.6.1 and 7.6.2 and the Conservation Area Design Appraisal. For clarity and consistency policy RD3 and SG should be amended to exclude land within Cleish Conservation Area.	Cleish & Blairadam Community Council	Issue will be considered through the LDP inquiry process. If this results in a change to policy RD3 the SG will also be subsequently amended.	No
(00638/3/001)	SG must include specific additional protection for conservation areas lying outwith settlement boundaries.	Portmoak Community Council	It is considered that policy RD3 together with policy HE3: Conservation Areas already provide a framework for assessing development proposals in such sensitive areas.	No

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
Section – Housing in the Countryside Introduction				
(00638/3/001)	SG must be clear that it does not apply within settlement boundaries.	Portmoak Community Council	This is considered implicit in the policy and SG.	No
(07693/11/001)	Policy RD3 and SG should be altered to allow policy to be applied within the greenbelt to ensure a consistent approach on all such proposals. Greenbelt policy NE5 will provide sufficient control over acceptable development within the greenbelt and provide clear direction as to future growth and protection of the landscape setting. If a proposal accords with policy RD3 there is no justification for preventing it because it is within the greenbelt. Not applying policy RD3 in the greenbelt is not in accordance with SPP which seeks to promote rural housing in all areas. Housing proposals could comply with policy RD3 without having adverse impact on the landscape character of the greenbelt designation - refer to approval of consent at Upper Kinfauns.	MBM Planning & Development on behalf of Mrs M Miller	Issue will be considered through the LDP Examination process. If this results in a change to policy RD3 the SG will also be subsequently amended.	No
(09163/4/006)	Non-application of policy RD3 within the greenbelt should be removed or amended to state 'This policy does not apply in the greenbelt except where it fits with the Scone Palace and Estate Masterplan, Supplementary Planning Guidance'. Policy RD3 and SG usefully and positively interpret SPP in relation to rural development but excluding the policy from the greenbelt is unnecessary and counter-productive. The opportunities policy RD3 provides are just as applicable in the greenbelt as elsewhere. Excluding the greenbelt will remove opportunities to achieve environmental benefits and support rural development and economic opportunities in the area covered by the greenbelt. Impact of policy RD3 would be minimal and its embargo makes an already restrictive policy even more inflexible.	Smiths Gore on behalf of Scone Palace & Estate		
(09166/13/001)	Welcome continued application of policy RD3 as it establishes a sound policy basis to direct and regulate rural residential developments but object to non-application of this policy within the greenbelt. Sections 1 & 2 of the policy provide a tight policy framework to control the siting of new development whether the site is in the greenbelt or not should have limited, if any, bearing as the policy thrust is to only permit acceptable development	Ristol Ltd		

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	within the countryside. This reflects SPP. Considered unlikely that developing within building groups would override the strategic policy function of the greenbelt. Removing greenbelt as a policy constraint for developing within building groups would support rural enterprise and access to the countryside which is the basis for policy RD3.			
(09163/4/016)	<p>SG should apply in the area of proposed greenbelt comprising Scone Palace and Estate. The removal of the HiCP from the greenbelt area also removes opportunities to achieve environmental improvements and support rural development and economic opportunities. The objectives of the HiCP are as applicable in the green belt as the wider countryside. The impact on the proposed greenbelt of the HiCP would be minimal and its embargo makes an already restrictive policy even more inflexible. Categories 1 and 2 - restrictions are such that this type of development can be controlled so there is no need to exclude these aspects from the green belt.</p> <p>Category 3 - provides limited opportunities which should not create any issues for the green belt.</p> <p>3.1 (a) restrictions combined with the 'all proposals' and 'siting' criteria should be sufficient to provide the necessary quality of proposals to protect the setting of Perth.</p> <p>3.1 (b) will have no impact on the wider landscape given it will be contained within high walls.</p> <p>3.2 contrary not to allow application within the green belt given that much of it adjoins the River Tay.</p> <p>3.3 contrary to the need for sustainable rural development to refuse to allow such proposals in the proposed greenbelt as many new businesses are more likely to thrive if close to centres of population. The green belt designation pushes such uses outwith Perth's immediate hinterland.</p> <p>3.5 a forward thinking policy which would be unfortunate to loose in the greenbelt area.</p> <p>Category 4 - an important positive policy which can help make the countryside more attractive and makes better use of existing resources. Illogical not to allow this in the greenbelt area.</p> <p>Category 5 - some conversion is allowed under the proposed</p>	Smiths Gore on behalf of Scone Palace & Estate		

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	green belt policy but not the replacement of redundant non-domestic buildings which does not make sense in light of the objectives of the green belt designations to preserve the setting, views and special character of Perth. Category 6 - would remove the opportunity to achieve environmental improvement and improve setting of Perth.			
Section – For All Proposals				
(00327/5/001)	A potential anomaly was identified at consultation stage which said new housing could not be located adjacent to existing defined settlements while at the same time conceiving of development associated with existing building groups. Anomaly is removed in the LDP where there is no settlement boundary. However the SG still refers to criterion j) and the requirement that in all cases proposals should not conflict with any other policy or proposal in the LDP. LDP should be clear as to applicable policies and should refer to all applicable criteria. Development within or adjacent to small settlements where there are no boundaries should be encouraged but criterion j) could create uncertainty and should be removed from the SG unless such potential policy conflicts can be identified.	Mr P Allan	There is not considered to be a contradiction here as there is not a policy in the LDP which states development should not be located adjacent to settlements which have a settlement boundary. It is therefore considered appropriate to retain criterion j).	No
Section 1 – Building Groups				
(00638/3/001)	SG must set out how creeping 'building group' development around a settlement can be prevented.	Portmoak Community Council	Concerns noted but if a proposal meets the provisions of section 1 of the SG the fact that it adds to other new development round a settlement would not automatically render the proposal unacceptable. Each planning application will be assessed on its own merits.	No
(06950/1/024)	Terms like 'within buildings groups' and 'definable sites' are too vague and will give opportunity for extensions into the countryside. New housing should not be allowed to 'bulge' beyond a natural line round a building group as this can then create another 'corner' for yet more buildings thus creating a domino effect. Policy will result in piecemeal enlargements rather than controlling development.	Kinross-shire Civic Trust	Concerns noted but it is not considered appropriate to be any more prescriptive as to what constitutes a building group or definable site as this will vary and depend on the individual layout and pattern of each settlement. It could	No

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
(02633/1/006)	Reiterate Kinross-shire Civic Trust comments and need for clarity on what constitutes a building group.	Cllr M Barnacle	also be contrary to the direction in SPP for development plans to support more opportunities for small scale housing development.	
(09104/1/014)	SG presents a sensible approach to many of the issues that need addressing when considering development in the countryside. However section 1 building groups 'consent will also be granted for houses which extend the group into 'definable sites' is too vague and leaves open the possibility of development on any site to be extended to any 'definable boundary' irrespective of scale.	Mr J Pritchard		
(06950/1/024)	As well as satisfying the HiCP there needs to be a sociological justification for new building groups in the countryside to avoid the creation of monoculture houses with no other rationale or services, infrastructure etc.	Kinross-shire Civic Trust	It is assumed this comment relates to a requirement for occupants of new houses to have some economic or other need for a house in the countryside. Whilst concerns are noted the planning system is discouraged by the Scottish Government from using occupancy restrictions.	No
Section 2 – Infill Sites				
(09289/14/001)	Seeks adjustment to Butterstone settlement boundary failing which the wording of SG section 2 should be adjusted to allow for minor expansions / adjustments of settlement boundaries where demand exists for local housing to sustain a settlement, to protect and enhance local services, and where proved sustainable.	CKD Galbraith on behalf of Linklater family	Reviews of settlement boundaries are most appropriately addressed through an LDP review. In any event Butterstone is not identified for growth as it lies in the Lunan Lochs Catchment area where there is a presumption against development that would raise phosphorous levels in the lochs. The settlement boundary has therefore purposely been tightly drawn and as such proposals which extended the settlement boundary would not be supported.	No
(09289/18/002)	Seeks adjustment to Concragie settlement boundary failing which the wording of SG section 2 should be adjusted to allow for minor expansions / adjustments of settlement boundaries where demand exists for local housing to sustain a settlement, to	CKD Galbraith on behalf of Snaigow Estates	Reviews of settlement boundaries are most appropriately addressed through an LDP review. In any event Concragie lies within the Lunan	No

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	protect and enhance local services, and where proved sustainable.		Lochs Catchment area and further development is restricted to prevent any increase to the phosphorous levels of the adjacent loch. As such application of the policy and SG is limited to economic need, conversions or replacement buildings. It would not therefore be appropriate to amend the SG to accommodate settlement expansion.	
Section 4 – Renovation or Replacement of Houses				
(05211/2/001)	Recommend inclusion of additional policy wording after f): 'Restoration of houses rather than replacement will be strongly preferred where the building is of traditional form and construction'. This is also consistent with SG (section 4a) which states that 'restoration rather than replacement will be favoured....' Concern expressed through previous consultations on the need to strengthen the emphasis in the policy on restoration rather than replacement of traditional houses in rural areas is still outstanding. Assessment of the policy through the SEA supports restoration rather than replacement. Council should reconsider the focus of policy RD3 based on the findings of the environmental report as although this concept is included in the SG there is a need for a clear statement in the main policy.	Scottish Natural Heritage	Issue will be considered through the LDP Examination process. If this results in a change to policy RD3 the SG will also be subsequently amended if necessary.	No
Section 5 – Conversion or Replacement of Redundant Non-Domestic buildings				
(05105/1/005)	Concern at unavailability of suitable sites for development of small rural businesses meaning some businesses are unable to set up or to expand. Further steading developments should therefore be refused until it can be demonstrated that there are no local businesses that could use them.	Friends of Rural Kinross-shire	Section 6 of the policy on Rural Brownfield Land includes the requirement that there are no other pressing requirements for other uses such as business or tourism on the site. It is proposed that this requirement is also added to section 5 as a new criterion I).	Yes
(00701/1/002)	More should be done to retain agricultural buildings or use them for other employment uses rather than lose them to residential development. Such buildings should be genuinely redundant rather than made such by developers.	Inchtute Community Council	Section 5 last paragraph requires an applicant to demonstrate a building has become redundant. It is also proposed to add a new criterion to	Yes

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
			this section requiring that there are no other pressing requirements for other uses such as business or tourism on the site (see above). It is not considered that the SG can reasonably be any more prescriptive.	
Section 6 – Rural Brownfield Land				
(09289/12/002)	Section on rural brownfield land (f) is confusing. LDP glossary definition of brownfield land is consistent with Scottish and national planning policy and includes land occupied by redundant or unused buildings. However this is not consistent with the definition of brownfield land (in the SG) which appears to exclude land containing redundant buildings which may not offer scope for conversion as covered elsewhere within the policy. Position appears to be that such buildings would require to be demolished before the land can be classified as brownfield. SG category 6 also requires applicants to provide evidence of removal of dereliction or significant environmental improvement. Removal of buildings prior to making an application will adversely impact on an applicant's ability to demonstrate meeting these requirements. The definition of brownfield land in the SG is inconsistent with the widely held definition and requires further consideration and clarification.	CKD Galbraith	Experience of the 2005 policy demonstrated that allowing brownfield sites containing buildings, such as yards, to be developed led to large scale suburban type housing development which met with significant public opposition. In the 2009 review it was acknowledged that the best way of dealing with this type of site would be through a policy in the new LDP, or alternatively identification of the site in the LDP since there may be uses other than housing appropriate on such sites, e.g. business or tourism. Section 6 was therefore retained but	No
(00224/1/001)	Policy RD3 (f) relates to development of rural brownfield land. The definition of brownfield land in the LDP glossary includes land occupied by redundant or unused buildings. This is consistent with the SPP definition and in other national and PKC policy documents. However SG Category 6 gives a much more limited definition of brownfield land and excludes 'land occupied by redundant or unused buildings' meaning any buildings have to be removed from site i.e. 'formerly occupied' before qualifying under this category. Applicants are also required to provide evidence a development proposal would result in the removal of dereliction or yield a significant environmental improvement. Removal of buildings prior to lodging an application adversely impacts on an applicant's ability to demonstrate these requirements can be met as a consequence of their proposal.	Hubbard & Mitchell Ltd	purposefully excluded land with buildings to discourage further applications for large scale housing. The requirement for proposals to result in the removal of dereliction or significant environmental improvement was to take into account land significantly degraded by a former activity. Land containing buildings can still be assessed under section 5 of the SG. It should also be noted that policy RD3 and section 6 of the SG refer specifically to <u>rural</u> brownfield land and so the definition	

Respondent	Comments	Received from	PKC Officer Response	Change to Guide recommended
	This substantial change to the widely held definition of brownfield land lacks transparency, is misleading and is limiting potential sites being brought forward under category 6. When the draft policy was put to Committee in August 2009 it was proposed brownfield sites that containing buildings would be capable of being eligible under category 5: conversion or replacement of non-domestic buildings. But such buildings have to be of traditional form etc. Many buildings on brownfield sites do not fulfil these criteria. Planning (etc) (Scotland) Act 2006 section 22 and Town & Country Planning (Development Planning) (Scotland) Regulations 2008 state SG should be limited to the provision of further information or guidance. Wording of category 6 exceeds this by introducing a constraint to the widely held definition of brownfield land. This is also contrary to Circular 1/09 section 97 as it departs from National Planning Policy. Definition of brownfield land in the SG should include land occupied by redundant or unused buildings.		differs from the LDP glossary wider definition of brownfield land within settlements. It is not considered that the differing definition of rural brownfield land constitutes a departure from national policy for the reason set out above and as such the SG is considered in line with legislative requirements.	
(00224/3/001)	Policy RD3 category (f) supports development on rural brownfield land but the definition of 'brownfield land' in the LDP glossary does not accord with the current adopted HiCP 2009 (SG to the LDP) category 6 'rural brownfield land' definition. The latter excludes land occupied by redundant and unused buildings (i.e. buildings have to be removed) but the LDP glossary definition includes land occupied by redundant or unused buildings. SG can provide further information or guidance but it is inappropriate and misleading to seek to fundamentally change a core definition to a policy or policy category in the LDP via SG. SG should not depart from national policy (refer C.1/09). Considers that the limited definition of brownfield land within category 6 of the SG constitutes such a departure.	Hubbard & Mitchell		

COMMENTS ON LOCH LEVEN SPA AND RAMSAR SITE ADVICE TO PLANNING APPLICANTS FOR PHOSPHORUS AND FOUL DRAINAGE IN THE CATCHMENT

Representati on ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
General comments				
03194/21/001	We support this Supplementary Guidance document as it is in keeping with the duties that your authority has as a responsible authority under Water Environment and Water Services (Scotland) Act 2003 (WEWS) to exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive (WFD).	Scottish Environment Protection Agency	Support welcomed	No
05211/18/001	Support the incorporation of both the Loch Leven Special Protection Area and Ramsar Site Advice to Planning Applicants as Supplementary Guidance. The Guidance provides additional advice to assist applicants submitting proposals which may affect the natural interests of these sites.	Scottish Natural Heritage	Support welcomed	No

COMMENTS ON RIVER TAY SAC ADVICE FOR DEVELOPERS

Comment Ref	Comment	Received from	PKC Officer response	Change to be made to Guide
General Comments				
09941/1/014	Requests inclusion of possible requirement for EIA in Tay SAC SG	Mr Alistair Godfrey	Requirement for possible EIA is adequately covered in legislation	No
05211/18/002	Supports inclusion of River Tay SAC SG in Plan	SNH	Support welcomed	No

COMMENTS ON A GUIDE TO INCORPORATING BIODIVERSITY INTO DEVELOPMENT

Comment Ref	Comment	Received from	PKC Officer response	Change to be made to Guide
General Comments				
05211/10/002	The document should be updated.	SNH	Whilst it is acknowledged that some of the references to legislative changes and licensing arrangements need updated, it is considered appropriate to await the outcome of the current consultation on the 2020 Challenge for Scotland's Biodiversity as it is likely to bring further changes.	No
00847/1/004	Questions whether this Supplementary Guidance is robust enough, does not make specific modification suggestions	Dr JAT Woodford	Much of the information/advice provided in the SG is covered elsewhere by legislation.	No

COMMENTS ON HOUSEHOLDERS' GUIDE TO BIODIVERSITY

Comment Ref	Comment	Received from	PKC Officer response	Change to be made to Guide
General Comments				
05211/10/003	Supplementary guidance is not up to date eg references to the Scottish Executive as licensable authority for protected species should be updated, also reference to NPPG 14	SNH	Whilst it is acknowledged that some of the references to legislative changes and licensing arrangements need updated, it is considered appropriate to await the outcome of the current consultation on the 2020 Challenge for Scotland's Biodiversity as it is likely to bring further changes.	No
00847/1/005	Suggests clear policies are needed rather than guidance to ensure aspects of biodiversity are fully taken into development proposals	Dr JAT Woodford	Much of the information/advice provided in the SG is covered elsewhere by legislation.	No

COMMENTS ON BIODIVERSITY: A DEVELOPERS GUIDE

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
05211/10/004	Guidance is not up to date, reference to Scottish Executive as licensable Authority for amended species needs to be amended, and also reference to NPPG 14	SNH	Whilst it is acknowledged that some of the references to legislative changes and licensing arrangements need updated, it is considered appropriate to await the outcome of the current consultation on the 2020 Challenge for Scotland's Biodiversity as it is likely to bring further changes.	No
09941/1/014	Guide fails to establish the difference between the importance of long established habitats which are much richer in biodiversity than man made habitats. The guide needs to be rewritten to match the Plan and SAE (assume means SEA) and meet demands placed by large scale developments.	Mr. Alistair Godfrey	No specific amendments are suggested	No
00847/1/006	Clear policies rather than guidance are needed to ensure biodiversity is taken into account and incorporated into development. No specific amendments are suggested.	Dr JAT Woodford	Much of the information/advice provided in the SG is covered elsewhere by legislation.	no

COMMENTS ON DEVELOPER CONTRIBUTIONS (DECEMBER 2011) INCORPORATING PRIMARY EDUCATION AND A9 JUNCTION GUIDANCE

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
General Comments				
09004/29/001 09004/14/001	Support the broad assumption that developments should remediate their impact to make them acceptable in planning terms. However, consider that the use of Planning Agreements has been extended beyond the tests set out in Circular 1/2010. The methodology to calculate impact of new development on infrastructure and services should have regard to the net new impact, not simply total impact. A clear link between Policy PM3 Infrastructure Contributions and Supplementary Guidance should be ensured.	Colliers CRE	The comments are noted. Policy PM3: Infrastructure Contributions sets out what Supplementary Guidance will be developed within the lifetime of the Local Development Plan. Appendix 1 will be modified to reflect Policy PM3: Infrastructure Contributions.	Yes
09017/1/002	The promotion mechanisms for developer contributions is fundamental to the development of strategic sites to allow equitable and fair contributions for infrastructure but at the same time allow development to take place. Preferred approach is for a 'roof tax' with public bodies providing infrastructure and costs recouped through the roof tax on predefined triggers. It is important to consult of all supplementary guidance as soon as possible to give a clear picture of requirements.	Grant and Geoghegan	A blanket 'roof tax' covering all infrastructure with the Council taking the lead is not in line with Circular 1/2010. Different financial mechanisms can be used to fund required infrastructure. Policy PM3: Infrastructure Contributions sets out which Supplementary Guidance will be developed during the lifetime of the Plan. Supplementary Guidance will define how shortfalls in infrastructure will be funded by new development; in some cases it will be the Council that takes the lead and others the development industry.	No
Section 1 – Introduction 1				
Paragraph 1.4				
09163/4/018	This paragraph does not give recognition to the impact of existing communities have on infrastructure. Agree with Homes for Scotland, the methodology used to calculate the impact of new development on infrastructure and services should have regard to the net new impact, not simply total impact. Care should	Smiths Gore	This comment is noted. Supplementary Guidance will define how contributions are calculated. It is agreed that the final sentence is changed to clarify that the cost will shared between all developments which place new demand on infrastructure capacity. It will now read: <i>'This approach is the most equitable, sharing the cost with all development which</i>	Yes

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	be taken to avoid using developer contributions to deal with existing deficiencies in the current climate of cut-backs in the public sector. Paragraph 1.4 should include reference that the methodology used to calculate the impact of new development on infrastructure and services should have regard to the net new impact, not simply total impact.		<i>places new demand on infrastructure capacity, rather than placing an uneconomic burden on a limited number of developers in later years.'</i>	
Paragraph 1.5				
09817/2/001	The policy has neglected the issue of its impact on development economics and this must be addressed before any new burdens are introduced. New infrastructure provided through developer contributions will be used by the whole community, it is fundamentally inequitable to fund this almost entirely from private new build development. Developer contributions are a form of taxation to fund existing infrastructure issues; private house building does not cause these problems. The Planning system has imposed on developers huge financial burdens which should be the responsibility of local government. The developer contributions Supplementary Guidance should be removed until discussions have taken place with the development industry of its impact on developer economics. Supplementary Guidance should not be applied in Draft Form.	G S Brown Construction Ltd	<p>Local Authority funding has declined and the increasing population has already placed heavy demands on public sector services and infrastructure capacity. To meet this increase in population new development is required as well as increases in infrastructure such as education and transport. Without investment in this infrastructure new development cannot be serviced and becomes unacceptable in planning terms. Circular 1/2010 sets out policy tests which are required to be met before a planning agreement can be sought. Supplementary Guidance is required to be in line with these tests. The respondent has proposed the use of developer contributions to facilitate their own development and sought to work with the Council to provide the necessary infrastructure rather than providing on their own.</p> <p>Ongoing discussions are taking place with the development industry representatives 'Homes for Scotland' on the issue of developer economics. The period of Representation provided an opportunity for all interested parties to raise concerns about the level of contributions which are being sought.</p> <p>Supplementary Guidance has not been applied in Draft Form to planning applications. When adopted by the Council it will form a material consideration in determining planning applications. Once the Local Development Plan is adopted it will form statutory guidance.</p>	No
10080/7/001	Concern about uncertainty of level of contribution and that these may be unreasonable and could make	Stewart Milne Group	It is agreed that the sole burden of new infrastructure cannot be placed with the development industry and the Council is	Yes

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	many developments unviable from point of allocation even when known in advance. Recognise that to grow sustainable communities, contributions will be required but sole reliance cannot be placed on the development industry to provide this. To create a partnership arrangement clear, fair and reasonable guidance must be set out showing where the existing constraints are what the development aspirations are and what implications that has on the existing infrastructure. This is obviously lacking from this LDP and as such should be tackled as a matter of urgency to enable for the Plan to comply with Circular 1/2010. Paragraph 1.5 remove the final sentence "This partnership approach can be achieved by tapping into the significant rise in land values obtained through the granting of planning consent".		exploring various funding mechanisms to meet the strategy of the Local Development Plan. In line with Circular 1/2010 it is appropriate for new development to mitigate its impact where it is fairly and reasonably related in scale and kind to the proposed development. Supplementary Guidance will set out the contribution level which is related to the impact of new development. It is recognised that this will only fund a proportion of infrastructure requirement and the Council will make a significant contribution. It is right and proper that the level of detail sought should be in Supplementary Guidance not in the Local Development Plan in line with Circular 1/09: Development Planning. It is generally understood that developer contributions can be made from the increase in land values which are obtained through the granting of planning consent. The final sentence in paragraph 1.5 is simply to highlight that this is generally the case but there is no objection to its removal.	
Section 2 – Legal and Policy Background				
Paragraph 2.6				
09163/4/025	Contributions should not be applied to the affordable housing element of private housing schemes as well as Registered Social Landlords. The double impact of affordable housing and developer contributions may render schemes unviable.	Smiths Gore	Supplementary Guidance will set out how it applies to affordable housing. This paragraph is highlighting that where affordable housing is not required to make a contribution the equivalent impact will not be transferred to the development industry but will be borne by the Council. Where developers are required to provide serviced land the cost of contributions will be covered by the developer.	No
09817/2/002	No logical reason for exempting affordable housing from contributions. Such development accommodates larger households and makes greater demands upon public infrastructure services. If exempt the burden passes onto private sector developers with an inflationary effect on selling prices. Paragraph 2.6 contains an implicit recognition that contributions drive up costs but it ignores the point that if the 'costing benchmark for affordable housing' is not adequate to support the costs directly attributed to development it	G S Brown Construction Ltd	Supplementary Guidance will set out how it applies to affordable housing. This paragraph is highlighting that where affordable housing is not required to make a contribution the equivalent impact will not be transferred to the development industry but will be borne by the Council. Where developers are required to provide serviced land the cost of contributions will be covered by the developer.	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	should be raised to a level which can do so. Paragraph 2.6 should remove the exemption for Affordable Housing.			
10214/1/004	Without guidance relating to Transport Infrastructure, Community Facilities and Green Infrastructure being made available for consultation at the same time as the Proposed Plan it makes it impossible for the house building industry to calculate the contributions required and unable to determine if allocated sites are effective. Appendix 1 sets out a range of example contributions, the Council needs to recognise that the cumulative impact of these obligations may hamper delivery of the Plan. Affordable Housing should contribute towards traffic infrastructure, if the Council intends to absorb these costs, clear parameters need to be set out to ensure private developers are not cross subsidising Registered Social Landlord created detriment. Paragraph 2.6 should state that affordable housing should contribute towards transport infrastructure or clear parameters should be provided if the cost is to be absorbed by the Council.	Homes for Scotland	<p>The comments are noted.</p> <p>Paragraph 2.6 highlights that where affordable housing is not required to make a contribution the equivalent impact will not be transferred to the development industry but will be borne by the Council. Where developers are required to provide serviced land the cost of contributions will be covered by the developer.</p> <p>The Transport Infrastructure Supplementary Guidance will set out how it applied to affordable housing. Other areas of Supplementary Guidance will be developed over the lifetime of the Local Development Plan and will be consulted on.</p>	No
Section 3 - Implementation				
Paragraph 3.1				
00850/1/010	Concern at the proposed use of separate non-statutory planning guidance notes for individual areas of infrastructure provision. Consistent with Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and associated Circular 1/2009 the Local Development Plan policy and overarching Developer Contributions Supplementary Guidance to make reference to a series of subsequent Supplementary Guidance documents relating to each of the individual areas. The current approach would result in informal Planning Guidance for detailed consideration of key issues which could significantly impact upon development deliverability and viability.	GVA	<p>The comments are noted and agreed. The reference to Planning Guidance Notes is a drafting error and has been removed from the Supplementary Guidance.</p> <p>All areas of Supplementary Guidance have been prepared and consulted on in line with Circular 1/2009. Appendix 1 of the Supplementary Guidance has been clarified to state that future Supplementary Guidance relating to developer contributions will be in line with Policy PM3: Infrastructure Contributions.</p>	Yes

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	The process by which non-statutory planning guidance would be prepared is unclear, as is the extent of consultation which would be undertaken as is the final status once finalised. A more appropriate mechanism would be to use the Supplementary Guidance, following the clearly defined preparation process with referral to Scottish Government thereby ensuring the transparency intended by the regulations. Such an approach would provide certainty. Paragraph 3.1 should remove reference to Planning Guidance Notes			
Paragraph 3.2				
09817/2/003	The philosophy behind developer contributions is that the costs fall on the party benefitting from enhanced development values but if the contribution is introduced after the time of purchase the developer has no way of passing this on. Paragraph 3.2 should include an exemption where a site has been bought for development purposes prior to Supplementary Guidance being adopted.	G S Brown Construction Ltd	<p>The developer should have assessed many of these issues before concluding any deal for the purchase of land. Supplementary Guidance does not apply retrospectively to sites with planning permission. If the land does not have planning permission it does not yet have an increased value. Land bought before the introduction of the Supplementary Guidance without planning permission will have been bought at a reduced value.</p> <p>Perth and Kinross Council recognise that the cumulative contributions can make a development unviable and in line with paragraph 3.17 are prepared to consider individual cases where supporting evidence is produced on development viability.</p>	No
Paragraph 3.4				
00850/1/011	It is unclear what is meant by the 'renewal of a planning application'. Support if it refers to the renewal of lapsed planning permissions. In terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 it should not be applied to a live or unimplemented planning permission. This should be clarified. This paragraph should clarify how the	GVA	Agree that this paragraph is unclear. Paragraph 4.10 defines how developer contributions are applied to the renewal of planning permissions in relation to education contributions. Paragraph 5.12 defines the A9 contributions will be applied to the renewal of planning permission. It is considered that paragraph 3.4 is redundant and has been deleted.	Yes

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	guidance is applied to renewal of a planning application.			
09163/4/002	It is not usual for guidance to be applied to renewals of planning permission. It could have a detrimental effect on the viability of scheme which has already been through planning.	Smiths Gore	Please refer to the previous response.	Yes
Paragraph 3.5				
00850/1/012	Specific reference should be made to the applicability of Circular 1/2010 tests and a statement included to the effect that contributions will only be required where each of these tests are met.	GVA	Paragraph 2.5 defines that planning agreements will only be sought where identified tests are met. This list is in line with the list defined in Circular 1/2010 but this is not specifically stated. Paragraph 2.5 has been clarified to indicate that the tests relate to Circular 1/2010 and that contributions will only be sought where all are met. No changes have been made to paragraph 3.5.	Yes
Paragraph 3.14				
10080/13/001 10214/1/041 09004/14/002 09004/29/002 09163/4/027	This paragraph sets out examples where additional contributions may be required. These examples are not capital costs and as such cannot be paid for through developer contributions. Developers cannot fund or subsidise private initiatives that would be profit making ventures and accordingly must be removed from the supplementary guidance. This paragraph should be removed.	Stewart Milne Group Homes for Scotland Colliers CRE Smiths Gore	Paragraph 3.14 sets out areas where additional contributions could be included as part of a planning permission on an ad hoc basis. It does not cover contributions which will be defined through Supplementary Guidance. The removal of this paragraph does not have a negative impact on the overall Supplementary Guidance and is acceptable.	Yes
Paragraph 3.16				
00850/1/013	Support	GVA	Noted.	No
Paragraph 3.17				
10214/1/042	Suggest that this paragraph replicates paragraph 5.15 in the Affordable Housing SG as it is more complete.	Homes for Scotland	Agreed. Paragraph 3.17 has been amended accordingly.	Yes
09163/4/028	The requirement for these viability statements to be treated with utmost confidentiality is essential.	Smiths Gore	Agreed. The paragraph has been amended to reflect this statement.	Yes
Paragraph 3.19				
10080/14/001	The Policy within the Local Development Plan should define appropriate timescales. A 5 year time period should be specified for ALL contributions to be spent	Stewart Milne Group	Supplementary Guidance will individually set out the time period which contributions will be held. It is not appropriate to apply a standard time period to all contributions as some	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	relative to development and community needs.		projects such as new schools have large lead in times. The contributions will not immediately cover all of the costs of infrastructure improvements and there needs to be the prospect of accumulating enough money to be able to make a meaningful contribution towards projects.	
00638/3/003	Developer Contribution Guidance must deliver accountability - paragraph 3.18 and paragraph 3.19	Portmoak Community Council	Noted.	No
Section 4 – Primary Education and New Housing Development				
Paragraph 4.6				
10214/1/044 09817/2/004 09163/4/029	The proposed approach is flawed, 80% capacity still provides sufficient scope for increased pupil product; some extant planning permissions will not be developed at all; and there is no detail provided of programming of all sites coming forward and projections of school rolls. Two recent appeal decisions are relevant: Ref:P/PPA/340/789 dated 24 September 2009 & Ref:P/PPA/340/2050 dated 21 April 2011. A capacity of 90% is more reasonable, Housing Land Audits should be used to project future school rolls and details of projections should be provided within the SG so that the figures can be scrutinised during subsequent consultation processes.	Homes for Scotland G S Brown Construction Ltd Smiths Gore	Scotland's population continues to show a rising trend with Perth and Kinross increasing over 10% in the last 10 years. Where the majority of other council areas in Scotland have a declining pupil role, in Perth and Kinross it is still rising and this increase is expected to continue over the next 10 years putting pressure on the school estate. In order to plan and manage the school estate so that capacity is available when needed adequate notice is required of growing pressures. At 80%, some but not all of the primary streams are full or approaching it, and our ability to accommodate primary pupils of any age to classes, may be compromised. 80% capacity allows sufficient space to reorder classes if the age profile of the school roll changes and tries to ensure that primary pupils moving into the catchment area during an academic year can be accommodated. There is also a need for time to consider impact, plan, seek approval for any adjustments to the capital plan, design and build the accommodation whilst minimising disruption to the education of existing pupils at the school. Where Capital funding is required to develop new accommodation a bid for capital funding is made as developer contributions do not fully cover the cost of building new accommodation. The Council's process runs five years ahead e.g. a bid made in 2012/2013 is for funding in 2017/2018, and case studies have shown that, over this time	No
10080/8/001	The only point at which contributions should be sought is when the school reaches 100% capacity or is calculated to reach 100% with pupil numbers generated from that development. Taking it at 80% leaves up to 20% spare capacity which is neither fair nor justified. Remove 80% threshold for requiring a contribution. Replace with 100% capacity or assess appropriate contribution triggers on a case by case basis in relation to an assessment on the existing school roll and demand for education places within that settlement and catchment area.	Stewart Milne Group		

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
03068/21/001	The Supplementary Guidance on developer contributions must comply with all of the tests set out in Circular 1/2010. It is clear that operating a policy based on whether a particular primary school is operating at 80% is clearly wrong given the very real example of Scone (included) over the past 12 years. Remove the 80% threshold for the requirement of a contribution.	A&J Stephen (Builders) Ltd	period, school rolls can increase significantly.	
10080/9/001	Education contributions are being assessed on individual school capacities and schools that are local to the proposed developments. It would be entirely unacceptable to put these contributions into a generic education fund that may not benefit that establishment. Include: where development takes school capacity to 100% or above the contribution should be ring-fenced for the school within the catchment of the development.	Stewart Milne Group	Some school sites are constrained and it is not possible to increase the capacity on site but by using the contributions to expand capacity in a neighbouring school the impact of the new development can be accommodated. The Council has a requirement to provide school places for children and the contribution helps facilitate this. Contributions do not cover the full cost of new education infrastructure and it would not be acceptable to constrain their use in the way suggested.	No
10214/1/045 09163/4/030	Not in line with Circular 1/2010. If the school has sufficient capacity paid for by a previous developer subsequent developers should not also contribute. This would only be suitable where the Council borrowed the money to fund the works and plans to recoup this. The paragraph should be reworded to clarify.	Homes for Scotland Smiths Gore	It is acknowledged that this paragraph was not clear in its intention. The second last sentence has been changed to clarify this point and now reads: <i>'Where the Council has funded an increase in Primary School capacity to meets the needs of new development resulting in it operating at below 80% of total capacity, contributions may be required from future development until a proportionate cost of the school improvements is received.'</i>	Yes
10214/1/046	The position should be reviewed every 3 years, not every 10 years, in line with the timescales for reviewing all guidance notes (paragraph 3.10)	Homes for Scotland	Agreed. The final sentence now reads <i>'This position will be reviewed every 3 years.'</i>	Yes
Paragraph 4.7				
02633/1/077	Unhappy the policy applies for conditioned housing for essential workers in agriculture etc. I think in these circumstances it is a draconian levy and I seek to ensure the new guidance excludes same. Paragraph 4.7 should exclude properties for essential agricultural workers from making a contribution	Councillor Barnacle	Housing for essential workers in agriculture are not occupancy restricted for habitation by children. They can have the same impact on primary school capacity as any normal residential development. In future years their use for agricultural workers may change and they are sold on the open market as private dwellings. In line with paragraph 3.17	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
			where substantial contributions may jeopardise a project the Council may enter into negotiations to establish whether reduced contributions would be appropriate.	
09817/2/005	In addition to student or holiday accommodation being exempt from a contribution reference should be made to retirement developments and those where, by restricting the title deeds, occupation will be limited to owners in a 50+ age group with no resident children, except for vacation and social visits.	G S Brown Construction Ltd	This proposal is not accepted. It is expected that the 50+ age group may still have a requirement to have children in their home as family circumstances change. The Council would have no effective way of monitoring the use of the properties or any power to restrict their use. No planning permission would be required to change the title deeds and make the properties available on the open market with unrestricted occupancy.	No
Paragraph 4.8				
10214/1/047 09163/4/031	The model of collecting contributions is on the basis of need in a local area, spending it elsewhere extends beyond the tests in Circular 1/2010. If there is no requirement for investment of the school within whose catchment the development will take place, then there can be no requirement for a contribution. Remove option to use contributions in a different school catchment	Homes for Scotland Smiths Gore	Some school sites are constrained and it is not possible to increase the capacity on site but by using the contributions to expand capacity in a neighbouring school the impact of the new development can be accommodated. The Council has a requirement to provide school places for children and the contribution helps facilitate this. Contributions do not cover the full cost of new education infrastructure and it would not be acceptable to constrain their use in the way suggested.	No
10214/1/049	No justification for the 0.25% below Bank of Scotland base rates. If the money is held in an interest bearing account the money plus interest should be returned to the developer. The mechanism should be set out in Section 75 Agreements. Change proposed interest rate to full interest accrued over the period the money is held by the Council	Homes for Scotland	No administration fees are charged by the Council to cover the cost of holding and processing contributions which are received. Repaying any contributions with interest at 0.25% below the Bank of Scotland base rate allows the Council to cover part of this cost.	No
Paragraph 4.9				
10214/1/048 10080/9/002	The 10 year period is too long and does not relate in any way to school roles or forecasts. If the monies are not required within 5 years there can be no justification for retaining them. Change period for returning contributions from 10 years to 5 years	Homes for Scotland Stewart Milne Group	Education infrastructure projects generally have large lead in times. The contributions will not immediately cover all of the costs of infrastructure improvements and there needs to be the prospect of accumulating enough money to be able to make a meaningful contribution towards projects. It is considered that a period of 10 years allows contributions to be built up and gives scope for infrastructure to be designed and put in place.	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
Paragraph 4.10				
09817/2/006	Include an exemption where a site has been bought for development purposes prior to Supplementary Guidance being adopted	G S Brown Construction Ltd	Supplementary Guidance does not apply retrospectively to sites with planning permission. If the land does not have planning permission it does not yet have an increased value. Land bought before the introduction of the Supplementary Guidance without planning permission will have been bought at a reduced value. If the required contribution is making a project unviable in line with paragraph 3.17 the Council may enter into negotiations to establish whether reduced contributions would be appropriate.	No
Paragraph 4.16				
10214/1/050	Change 'Appendix A' to 'Appendix 2'	Homes for Scotland	This drafting error has been amended.	Yes
Paragraph 4.18				
09817/2/007	Include an exemption for retirement dwellings which are restricted to a 50+ age group and with no resident children - except for vacation and social visits	G S Brown Construction Ltd	This proposal is not accepted. It is expected that the 50+ age group may still have a requirement to have children in their home as family circumstances change. The Council would have no effective way of monitoring the use of the properties or any power to restrict their use. No planning permission would be required to change the title deeds and make the properties available on the open market with unrestricted occupancy.	No
Paragraph 4.19				
10214/1/051	Update 'April 2010' to the date the Supplementary Guidance is published. This is 2 years out of date and should be updated in order that Supplementary Guidance published with the Local Development Plan is up to date.	Homes for Scotland	This drafting error has been amended.	Yes
Paragraph 4.22				
09817/2/008	Insert a clearer commitment to phasing payments to suit the development economics of particular sites.	G S Brown Construction Ltd	This paragraph states that the phasing is a guide and provides flexibility and in individual circumstances exceptions may be appropriate in agreement with the Council. Any bespoke agreement will take into account the development economics of particular sites.	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
Section 5 Auchterarder A9 Junction Improvements				
Paragraph 5.25				
10080/12/002	The estimated cost of both junctions is £10.52m at 2007, with £1.4m being provided by Scottish Ministers. This leaves a net cost of £9.12m which is incorrectly stated in the Policy at paragraph 7.1 (5.25) as £8.6m.	Stewart Milne Group	This drafting error has been amended.	Yes
Appendix 1				
10214/1/052 09163/4/032	Improvement to health care infrastructure is not a matter for developers but a function of the NHS and the Scottish Government. Any contribution must be linked to a proven detriment caused by new development which is not possible in the case of the NHS. There is no Supplementary Guidance relating to health care infrastructure and nothing within Policy PM3 to justify the requirement. Remove example of contribution towards health.	Homes for Scotland Smiths Gore	Accepted in part. In strategic development sites there may be a requirement and a need may be identified by the NHS. To facilitate good planning could make provision on site for a health facility but this would be determined on an individual basis. Appendix 1 has been clarified to indicate future Supplementary Guidance in line with Policy PM3: Infrastructure Contributions. This clarification involves the removal of contributions towards health care.	Yes
Appendix 2				
10214/1/043 10080/8/002	Appendix 2 to meet the tests set out in Circular 1/2010 and allow for scrutiny of a proposed requirement for a contribution the table in the appendix should show the following for each school; Total capacity, 80% figure, current roll, previous 5 year rolls (to show upwards and downwards trends), projected future roles for timescale of LDP (taking account of LDP sites and programming as set out in the Housing Land Audit).	Homes for Scotland Stewart Milne Group	Accepted. Appendix 2 has been amended to include the current capacity of each primary school, 80% of capacity and the 7 year projected roll to 2018/2019 excluding planning permissions. The current school role has not been included as this figure fluctuates through out the year and it would be inaccurate to include it in a document with this document as this information can be made available upon request. The previous 5 year role has not been included as it is considered it does not have any bearing on how the school roll will change in the future as a result of new development. The projected roll is provided over a 7 year period taking account of the Housing Land Audit excluding planning permissions. This is the standard period of time for these projections and does not include planning permissions as these can not be accurately projected.	Yes
Appendix 4				
10080/12/001	The contribution promoted by the Policy of £3,450 per additional dwelling falls short of the actual cost to	Stewart Milne Group	Not accepted. Apportioning the existing traffic impact to new developments would not be in line with Circular 1/2010 in	No

Comment Ref	Comment	Received From	PKC Officer Response	Change to be made to Guide
	<p>Opp3 Consortium as the liability of the existing traffic impact also falls to them. The Supplementary Guidance should apportion the existing Traffic Impact proportionately over the contributing elements which would have the effect of increasing the relevant % allocated to each with the exception of gWest which has made its contribution. The existing impact of 34% if apportioned between Opp3 and future consents would increase the percentages to 57.45% for Opp3 and 29.55% for other future consents and their respective cost shares would be £5.24m and £2.695m. Allocating this to the 475 future residential consents would give a contribution level of approx £5,675 per unit.</p> <p>The A9 contribution calculation should be revised to equally apportion the existing traffic impact between the Opp3 Development Consortium and other future consents within the Auchterarder Area. Revise the other future consents to take into account current permissions and future designations in the Local Development Plan.</p>		<p>that the contribution would not fairly and reasonably relate in scale and kind to the proposed development. The Opp3 Development Consortium volunteered to take on the cost of the junction improvements in advance of the work being carried out by the Trunk Road Authority Transport Scotland. The Supplementary Guidance identifies that there is a benefit to other new development in the area and apportions the equivalent impact of new development on the junction through a financial contribution. As the junction improvements relate to a trunk road the impact of existing traffic should be bourn by Transport Scotland.</p>	

COMMENTS ON AIRFIELD SAFEGUARDING SG

Representation ref	Comment	Received from	PKC Officer response	Change to be made to Guide
Introduction Section				
09134/1/001	Notes that Errol and Dundee airport are mentioned in SG but not in Policy EP13.	Scottish Gliding Centre	Dundee airport has been removed from SG because it is a licensed aerodrome and is safeguarded separately, beyond the remit of this SG. Errol airfield will carry an explanatory note added to the map and text.	Yes
10236/1/013	Amend SG to remove safeguarding from Balado Airfield because Balado Airfield's validity as an Airfield is questionable.	K Miles	Planning consent was granted in 2011 for Class 11 use including microlight flying at this airfield, which has subsequently been implemented (09/01289/FLM). The airfield is operational and is therefore included in SG.	No
00638/3/002	Airfield safeguarding SG must clarify how provisions may differ for powered and non powered aircraft.	Portmoak Community Council	The purpose of the SG is simply to set out when consultation with the airfield operator is necessary.	No
00855/1/002	Amend SG to redress an imbalance weighted unfairly against rural businesses and towards Portmoak Airfield; should apply equally to land on the airfield and outside the boundary. Portmoak airfield has carried out development on the airfield while preventing development outside the boundary; and no information has been supplied as to how this development is acceptable on the airfield without an independent report, while development outside the boundary is subject to an independent report.	S Fleming	Safeguarding will assist the Planning Authority to make reasonable decisions in response to planning applications. On all land identified on maps in the SG, consultation with airfield operator will be required irrespective of whether development is proposed on the airfield or outside its boundary.	No
Assessing Development in Airfield Safeguarding Zones Section				
09196/1/002	SG should make clear that the Local Planning Authority determines planning applications.	R Dick	Agree. New text to be included to reflect this point.	Yes
09134/1/001	Supplementary Guidance must define the areas where consultations will take place and further expand the limitations of incompatible activities and navigational obstructions etc.	Scottish Gliding Centre	Revised text and maps to be included in this section to clearly set out the consultation zones and clarify prejudicial developments.	Yes
10146/1/002	Amend airfield safeguarding map to make it proportionate to the size of operations and activities carried out. Safeguarding zone should be determined by an independent airfield safeguarding expert. Consultation on planning applications should be required to adhere to Government Guidelines both in the scope and timescale of responses.	M Cuthbertson	The airfield safeguarding zone is defined by CAA as a 2,000 metre radius from the centre point of the runway or airfield. The purpose of this SG is simply to set out when consultation with the airfield operator is necessary. The	No

Representation ref	Comment	Received from	PKC Officer response	Change to be made to Guide
	To comply with Government and CAA guidelines.		scope of information needed and timescales for determining planning applications are dealt with more generally elsewhere.	
00649/1/002	Amend Supplementary Guidance to require the planning authority to commission an independent airspace design opinion to be used as a primary and authoritative tool in evidence. To avoid bias, or the impression of biased evidence, the report should not be paid for by the applicant or airfield operator but obtained by independent means.	A Smith	Controlling the means by which reports are obtained would be beyond the remit of this SG. Amend text to clarify that where objections are raised, the airfield operator will be required to specify how the proposal would impact on existing operations, and the applicant may be required to submit an independent assessment prepared by a suitably qualified person of the impact on the safe operation of the existing facility.	Yes
Prejudicial Developments Section				
09196/1/002	Height bands should be revised to take account of topography.	R Dick	This would be beyond the remit of this SG since height bands relate to licensed aerodromes, and are not required for unlicensed airfields. It is therefore proposed to remove height bands from safeguarding maps.	Yes
00854/1/002	Amend Supplementary Guidance to remove shooting, kite flying, ballooning and equestrian centre as incompatible activities. These are not incompatible activities because they already take place with no curtailment of flying operations: shooting takes place on the boundary of the airfield; kite flying has taken place on the airfield; balloons have flown over the airfield; and the equestrian centre has operated on the boundary since 1989. [Referring to Portmoak Airfield]	B Fleming	These remain potentially hazardous activities and the purpose of this SG is simply to set out when consultation with the airfield operator is necessary. This will allow consideration of whether the proposal will impact on existing operations, what any impact would be, and whether further assessment is necessary.	No
00648/1/002	Amend the safeguarding map to show a no-fly-zone at the Equestrian Centre because the runway should be oriented to avoid overflight of population, houses and stables and therefore since the Equestrian Centre has been established since 1997, there should be a no-fly-zone.	Flemings of Rosyth	The purpose of this SG is simply to set out when consultation with the airfield operator is necessary. The area safeguarding zone is prescribed by CAA at 2,000 metres in accordance with CAP 793 Safe Operating Practices at Unlicensed Aerodromes and the SG requires consultation within this zone.	No
0648/1/002	Amend Supplementary Guidance in terms of Limitations of	Flemings of	Agree to change Equestrian Centre to	Yes

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	Incompatible Activities, the bullet point "Equestrian Centre" should be changed to "Equestrian Activities" because this wording is felt prejudicial to existing Equestrian Centres on the periphery of airfields because it is the Equestrian Centre's responsibility to assess risk, and Kinshaldy Equestrian Centre at Leuchars Airfield is an example of an airfield and Equestrian Centre co-existing; and the section on Neighbour Agreements should be changed to provide for an arbitrary body to rule on cases when negotiations break down because it is felt that there is no provision to safeguard neighbours from unreasonable behaviour from aerodrome operators.	Rosyth	Equestrian Activities; however instead of specific provision for an arbitration body, text will be added to emphasise that the Local Planning Authority will determine planning application.	
Airfield Safeguarding – Background Information Section				
09196/1/002	Airfield Safeguarding supplementary guidance must be prepared with reference to officially recognised guidance documentation i.e. CAA - Cap documents GAAC - Fact Sheet 3 and 4. Maps should be revised to be in accordance with CAP 168.	R Dick	Text to be revised and maps to be updated in accordance with CAP 793, which is applicable to unlicensed airfields, and GAAC fact sheets. To prepare in accordance with CAP 168 would be beyond the remit of this SG since CAP 168 is relevant to licensed aerodromes and not applicable to the subject of this SG, which deals with unlicensed airfields.	Yes

COMMENTS ON AUCHTERARDER EXPANSION TOWNHEAD AND NORTH EAST DEVELOPMENT FRAMEWORK – MARCH 2008

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
General Comments				
00944/1/001	Amend Supplementary Guidance to give more support for Auchterarder town centre; prevent any increase of traffic volume, noise and congestion in the town; and improve car parking and public transport. The Affordable Housing provision level should be reviewed and the Supplementary Guidance should include a plan showing the location of the social/affordable housing proposed in each phase.	Ms Bitney MacNab	The Development Framework contains detail sufficient for this level of guidance. It is appropriate to consider further more detailed guidance at the planning application stage	No

COMMENTS ON OUDENARDE MASTERPLAN MAY 2001

Representati on ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
General comments				
05211/22/002	We recommend the masterplan for this significant area is revisited and revised as required to ensure that it takes into account current Scottish Government policy on Designing Places and in relation to Scottish Planning Policy (location and design of new development)	Scottish Natural Heritage	Any issues with regard to Designing Places and SPP can be taken account of at planning application stage	No
09922/1/003	Masterplan is at least 10 years old and there has been a lack of progress on the site.	Earn Community Council	Masterplan is still relevant for level of detail it provides	No

COMMENTS ON CONSERVATION AREA APPRAISALS

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
Blairgowrie Conservation Area Appraisal				
10002/1/003	<p>'Blairgowrie Conservation Area to be withdrawn to facilitate development within town centre sites which should be made easier and more attractive for potential developers to consider them. Problem faced by developers in Blairgowrie town centre is that most of the site are either covered by the Conservation Area or Listed Building or both. Developers should be encouraged and incentivised to consider town centre sites over green field sites.</p> <p>Revoke Conservation Area and lift planning restrictions on empty, discussed and derelict buildings.</p>	Blairgowrie and Rattray Community Council	The designation of Conservation Area seeks to recognise the Historic Importance of an area within the urban environment. The designation seeks to ensure that future development not only protects the historic environment and through planning policies and supplementary guidance provides an opportunity to provide development of a high quality and design including innovative contemporary design as well more traditional design styles. The guidance does not include restrictions on empty, disused and derelict buildings and would in fact encourage their redevelopment. The Conservation Area within Blairgowrie should be retained.	No
Cleish Conservation Area Appraisal				
00048/1/003	Cleish Conservation Area appraisal was carried out in 1980 but not identified as Supplementary Guidance in the Plan. The 1980 appraisal remains both relevant and necessary to provide the appropriate level of protection to the village and its environs	Cleish and Blairadam Community Council	Cleish Conservation Area Appraisal will be carried out within the life of the plan and will be subject to further consultation.	No
06950/1/017	Conservation Area appraisal for Cleish was carried out in 1980. Concerns raised as Conservation Area boundary for Cleish but no settlement boundary. Housing in the Countryside Policy should not apply in Conservation Area. Agricultural land within Conservation Area is an important part of the settling of the village and should be retained	Kinross-shire Civic Trust	Issue raised relates to the application of the agricultural land within the Conservation Area, and will be considered through the LDP Examination process.	No
Crieff Conservation Area Appraisal				
00592/2/001	Extend Conservation Boundary to include 2 historic properties Barnock and Barnkittock.	Ms Ruth Stone	The designation of the Conservation Area in Crieff seeks to recognise the Historic Importance of an area within the urban environment. The properties are immediately north of the Conservation Area between	No

Representation ref:-	Comment	Received from:-	PKC Officer response	Change to be made to Guide
			Comrie Road and Milnab Street. Given the development within the grounds of the properties the integrity of the historic environment has been compromised and it is not considered that there is a justification for the extension of the Conservation Area to include these properties. Given that the properties are adjacent to the Conservation Area relevant policies relating to protection of its setting are appropriate.	
Forgandenny				
00692/1/001	Extend conservation area boundary to allow greater control of any proposed development where changes might cause an imbalance of existing structure.	Mr Ian Dunsire	No current Appraisal for comments. Conservation Area Boundary would be considered in the future appraisal of the Conservation Area. No indication at this stage when this would be done but consultation would be carried out for comments.	No
Scotlandwell Conservation Area Appraisal				
10105/4/001	Conservation Area should be extended around and outside the settlement, in particular to the south in the same way it extends over the adjacent hillside to the north. Welcomes the Scotlandwell designation but has no confidence in recent planning decisions which are considered to be obtrusive, out of scale and detract from the appearance of the village from the south. Weakness of current designation as only applies to the more historic buildings and hills and not the foreground.	Mr Mike Hally	The designation of the Conservation Area in Scotlandwell not only includes the historic urban environment but the historic merit of the rigg system to the north of the settlement. There is no justification for the extension of the Conservation to the south which would include new development and agricultural land. There are sufficient policies such as the setting of the Conservation Area and those related to development within the countryside that would be appropriate for future development.	No
Request for new Conservation Areas				
02633/1/011	No new Conservation Areas proposed. Identify designation for Back Crook, Keltybridge and Maryburgh.	Councillor Michael Barnacle	Issue will be considered through the LDP Examination process.	N/A

