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Council Building
The Atrium
137 Glover Street
Perth
PH2 0LQ

Friday, 02 September 2016

A Meeting of the **Enterprise and Infrastructure Committee** will be held in the **Gannochy Suite, Dewars Centre, Glover Street, Perth, PH2 0TH** on **Wednesday, 07 September 2016** at **14:00**.

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

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Councillor John Kellas (Convener)
Councillor Joe Giacomazzi (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Ann Cowan
Councillor Dave Doogan
Councillor John Flynn
Councillor Ann Gaunt
Councillor Tom Gray
Councillor Grant Laing
Councillor Alan Livingstone
Councillor Willie Robertson

Enterprise and Infrastructure Committee

Wednesday, 07 September 2016

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
 - (i) MINUTE OF MEETING OF THE ENTERPRISE AND INFRASTRUCTURE COMMITTEE OF 1 JUNE 2016 FOR APPROVAL AND SIGNATURE 7 - 14**
 - (ii) MINUTE OF MEETING OF THE EXECUTIVE SUB-COMMITTEE OF THE ENTERPRISE AND INFRASTRUCTURE COMMITTEE OF 19 AUGUST 2016 FOR NOTING 15 - 16**
- 4 PERTH CITY DEVELOPMENT BOARD**
 - (i) MINUTE OF MEETING OF THE PERTH CITY DEVELOPMENT BOARD OF 15 DECEMBER 2015 FOR NOTING 17 - 22**
 - (ii) MINUTE OF MEETING OF THE PERTH CITY DEVELOPMENT BOARD OF 23 FEBRUARY 2016 FOR NOTING 23 - 28**
 - (iii) VERBAL UPDATE BY EXECUTIVE LEAD OFFICER**
- 5 POLICY AND LEVEL OF SERVICE FOR WINTER SERVICE 2016/2017 29 - 52**

Report by Director (Environment) (copy herewith 16/374)

6	AUCHTERARDER COMMUNITY FACILITIES FUND Report by Director (Environment) (copy herewith 16/375)	53 - 66
7	DELIVERING ZERO WASTE SUPPLEMENTARY GUIDANCE Report by Director (Environment) (copy herewith 16/376)	67 - 96
8	DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE Report by Director (Environment) (copy herewith 16/377)	97 - 140
9	LOCAL DEVELOPMENT PLAN ACTION PROGRAMME BIENNIAL UPDATE: DELIVERY AND IMPLEMENTATION OF THE LOCAL DEVELOPMENT PLAN Report by Director (Environment) (copy herewith 16/378)	141 - 154
10	LOCH LEVEN SPECIAL PROTECTION AREA AND RAMSAR SITE, RIVER TAY SPECIAL AREA OF CONSERVATION AND THE DUNKELD-BLAIRGOWRIE LOCHS SPECIAL AREA OF CONSERVATION NON-STATUTORY PLANNING GUIDANCE Report by Director (Environment) (copy herewith 16/379)	155 - 200
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12	PROPOSED PROHIBITION ON DRIVING, FLORENCE PLACE, PERTH Report by Director (Environment) (copy herewith 16/381)	209 - 216
13	PROPOSED VARIATION TO LOADING BAY OPERATIONAL TIMES AND DAYS, PERTH Report by Director (Environment) (copy herewith 16/382)	217 - 224
14	PROPOSED VARIATION TO WAITING RESTRICTIONS, DOUGLAS CRESCENT, EMSLIE DRIVE AND THE MUIRS, KINROSS Report by Director (Environment) (copy herewith 16/383)	225 - 236
15	PROPOSED VARIATION TO WAITING RESTRICTIONS, KINGSWELL TERRACE, NEEDLESS ROAD, PERTH Report by Director (Environment) (copy herewith 16/384)	237 - 248
16	AMENDMENTS TO THE LIST OF PUBLIC ROADS Report by Director (Environment) (copy herewith 16/385)	249 - 260

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ENTERPRISE AND INFRASTRUCTURE COMMITTEE

Minute of Meeting of the Enterprise and Infrastructure Committee held in the Gannochy Suite, Dewar's Centre, Perth on Wednesday 1 June 2016 at 2.00pm.

Present: Councillors J Kellas, H Anderson, K Baird (substituting for Councillor I Campbell), M Barnacle, A Cowan, D Doogan, A Gaunt, T Gray, G Laing, A Livingstone, E Maclachlan (substituting for Councillor J Giacopazzi), A MacLellan (substituting for Councillor J Flynn) and W Robertson.

In Attendance: J Valentine, Depute Chief Executive (Sustainability Strategic and Entrepreneurial Development), B Renton, Director (Environment), D Littlejohn (Head of Planning and Development), W Young, C Haggart, S Mackenzie, S Merone, J McCrone (all the Environment Service); C Flynn, L Potter and Y Oliver (all Corporate and Democratic Services).

Apologies for Absence: Councillors I Campbell, J Flynn and J Giacopazzi.

Councillor J Kellas, Convener, Presiding.

Prior to the commencement of business:

(i) Valedictory

Councillor Kellas referred to the imminent retiral of Mrs Yvonne Oliver, Committee Officer, Corporate and Democratic Services and thanked her for the help and advice she had given to the Enterprise & infrastructure Committee during her years of service. Yvonne thanked Councillor Kellas and members of the Enterprise & Infrastructure Committee for their good wishes and expressed her thanks to all Committee Services staff for their support.

421. WELCOME AND APOLOGIES/SUBSTITUTES

The Convener welcomed all those present to the meeting. Apologies and substitutes were noted as above.

422. DECLARATIONS OF INTEREST

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

423. MINUTE OF PREVIOUS MEETING

The Minute of the Meeting of the Enterprise and Infrastructure Committee of 23 March 2016 (Arts. 244-259) was submitted, approved as a correct record and authorised for signature.

**424. PERTH AND KINROSS COMMUNITY PLANNING PARTNERSHIP –
ECONOMY AND LIFELONG LEARNING GROUP**

(i) Joint Briefing Paper by Executive Lead Officers

There was submitted and noted a joint briefing paper by the Depute Chief Executive (Sustainability, Strategic and Entrepreneurial Development) and Senior Depute Chief Executive (Equality, Community Planning and Public Service Reform) (16/223) providing an update on the activities of the Community Planning Economy and Lifelong Learning Outcome Delivery Group.

425. PERTH CITY DEVELOPMENT BOARD

(i) Verbal Update

The Depute Chief Executive (Sustainability, Strategic and Entrepreneurial Development) provided a verbal update on the latest meeting of the Board, which had been held on Tuesday 31 May 2016. Members were advised that it had been a very positive meeting, covering topics such as the Terms of Reference (remit, management, membership and governance) and key themes regarding progress with delivery of the Perth City Plan. There had also been a presentation on the Tay Cities Deal and a discussion on future communications concerning Board issues. It was also noted that the existing Chairperson had been unanimously elected to continue in office.

**426. THE ENVIRONMENT SERVICE BUSINESS MANAGEMENT AND
IMPROVEMENT PLAN AND ANNUAL PERFORMANCE REPORT**

There was submitted a report by the Director (Environment) (16/238) presenting the Joint Business Management & Improvement Plan 2016/17 and Annual Performance Report 2015/16 for the Environment Service.

Resolved:

- (i) The Joint Business Management and Improvement Plan 2016/17 and the Annual Performance Report 2015/16 for the Environment Service, pertaining to the Enterprise and Infrastructure Committee's area of responsibility, as detailed in Appendix 1 to Report 16/238, be approved;
- (ii) It be noted that Report 16/238 had also been considered by the Environment Committee, for their specific area of interest, on 1 June 2016;
- (iii) It be noted that Report 16/238 would be submitted to the Community Safety Committee for consideration and approval for their specific area of interest, on 8 June 2016;
- (iv) It be noted that Report 16/238 would be submitted to the Scrutiny Committee on 15 June 2016 for scrutiny and comment as appropriate.

427. EUROPEAN SOCIAL FUND EMPLOYABILITY PIPELINE AND POVERTY & SOCIAL INCLUSION PROGRAMMES – UPDATE AND GOVERNANCE ARRANGEMENTS

There was submitted a report by the Director (Environment) (16/243) (1) providing an update on the Employability Pipeline and Poverty & Social Inclusion Programmes (2014-2020) and (2) approval for the continuation of the current governance arrangements.

Resolved:

- (i) The continuation of the current governance arrangements as detailed in Report 16/243, be agreed;
- (ii) The progress of both the European Social Fund Employability Pipeline and Poverty & Social Inclusion Programmes, be noted.

428. CYCLING, WALKING AND SAFER STREETS (CWSS) PROJECTS 2016/17

There was submitted a report by the Director (Environment) (16/244) (1) detailing the Cycling, Walking and Safer Streets (CWSS) projects implemented in 2015/16; and (2) seeking Committee approval for a list of Cycling, Walking and Safer Streets projects for 2016/17 and for potential schemes in 2017/18.

Resolved:

- (i) The schemes implemented from the Cycling, Walking and Safer Streets Grant Funding in 2015/16, as detailed at Appendix 1 to Report 16/244, be noted;
- (ii) The list of works for Cycling, Walking and Safer Streets projects for the financial year 2016/17, as detailed in Appendix 2 to Report 16/244, be approved;
- (iii) The proposed projects to be progressed in 2016/17 and carried out in 2017/18, as detailed in Appendix 3 to Report 16/244, be noted.

429. ADDITIONAL TOURISM FUNDING PROPOSALS – SIGNAGE AND EVENTS

There was submitted a report by the Director (Environment) (16/245) setting out spending proposals for the additional funding granted through the budget process for Tourism Projects in 2016/17, which funding is to be spent on two projects: tourism signage and events.

Resolved:

- (i) The update on the use of budget motion funding, as detailed in Report 16/245, be noted;
- (ii) It be noted that the funding, as detailed in Report 16/245, is essential to ensure that the signage and events projects are delivered in 2016/17;
- (iii) The Director (Environment) be requested to bring a further report on the delivery of the signage and events projects, as detailed in Report 16/245, to a future meeting of the Enterprise and Infrastructure Committee in Spring 2017, which report to address the improved signage and the economic impact of the 2016/17 events programme.

430. SUSTAINABLE LIGHTING STRATEGY AND LIGHTING ACTION PLAN FOR PERTH

There was submitted a report by the Director (Environment) (16/246) (1) informing the Committee of new approaches to the delivery of statutory and amenity lighting in the city and the contribution it can make to sustainable growth by enhancing the visitor and night time economy; and (2) seeking approval to adopt the Sustainable Lighting Strategy for Perth, the Perth Lighting Action Plan and the Street Lighting Policy as frameworks to secure investment and collaboration through a cohesive approach to lighting in the City of Perth.

Motion (Councillors W Robertson and A Gaunt:

- (i) The Street Lighting Policy, Sustainable Lighting Strategy for Perth and the Perth Lighting Action Plan as a policy, strategy and framework to secure investment and collaboration to lighting in the City of Perth to support growth of the city and the tourist and evening economy, be adopted;
- (ii) The allocation of £100,000 through the budget process to take forward one of the projects identified in Paragraph 4.5 of Report 16/246, be noted;
- (iii) Following completion of one of the projects identified in Paragraph 4.5 of Report 16/246, an economic impact assessment to be carried out on the project and reported back to the Committee prior to any further projects within the Action Plan being undertaken;
- (iv) The Director (Environment) be requested to seek out additional funding and sponsorship to implement the projects highlighted within the Perth Lighting Action Plan.

Amendment (Councillors A MacLellan and J Kellas):

- (i) The Street Lighting Policy, Sustainable Lighting Strategy for Perth and the Perth Lighting Action Plan as a policy, strategy and framework to secure investment and collaboration to lighting in the City of Perth to support growth of the city and the tourist and evening economy, be adopted;**
- (ii) The allocation of £100,000 through the budget process to take forward one of the projects identified in Paragraph 4.5 of Report 16/246, be noted;**
- (iii) The Director (Environment) be requested to seek out additional funding and sponsorship to implement the projects highlighted within the Perth Lighting Action Plan.**

In terms of Standing Order 44, a roll call vote was taken.

7 Members voted for the Amendment as follows:
Councillors Kellas, Anderson, Doogan, Gray, Laing, Maclachlan and MacLellan.

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6 Members voted for the Motion as follows:
Councillors Barnacle, Baird, Cowan, Gaunt, Livingstone and Robertson.

Amendment – 7 votes

Motion – 6 votes

Resolved:

In accordance with the Amendment.

431. PROPOSED 20MPH SPEED LIMIT AT BLAIRGOWRIE

There was submitted a report by the Director (Environment) (16/247) (1) detailing a proposal to extend the existing 20mph speed limit from the Wellmeadow area to the Reform Street/Perth Street junction in Blairgowrie; and (2) seeking approval for the commencement of the process of varying the Traffic Regulation Order for 20mph Speed Limits.

Resolved:

The commencement of the legal procedure to promote a variation to the Traffic Regulation Order (TRO) to extend the existing 20mph speed limit from the Wellmeadow area to the Reform Street/Perth Street junction in Blairgowrie, be approved.

432. PROPOSED VARIATION TO ONE WAY – WELLMEADOW BLAIRGOWRIE

There was submitted a report by the Director (Environment) (16/248) (1) outlining the concerns of the local community regarding the short section of One Way Traffic on the Wellmeadow Service Road in Blairgowrie; and (2) seeking approval for the commencement of the process of varying the Blairgowrie Traffic Management Order to rescind the short section of one way traffic on the Wellmeadow Service Road in Blairgowrie and return it to two-way traffic.

Resolved:

The commencement of the legal procedure to promote a variation to the Blairgowrie Traffic Management Order to rescind the short section of one way traffic on the Wellmeadow Service Road in Blairgowrie and return it to two-way traffic, be approved.

433. PROPOSED VARIATION TO WAITING RESTRICTIONS WITHIN THE CITY CENTRE AREA, PERTH AND PARKING UPDATE

There was submitted a report by the Director (Environment) (16/249) (1) outlining the concerns of the local businesses within the City Centre of Perth regarding a perceived lack of parking provision for visitors and shoppers; (2) seeking approval for the commencement of the process of varying the Perth Traffic Management Order to remove sections of No Waiting at Any Time, No Day Time Waiting and Disabled Parking Spaces and introduce additional Pay and Display parking provision and a Loading Bay; (3) seeking approval for the Thimble Row car park to be returned to a Long Stay car park; and (4) providing a parking update, a review of Free After Two 2015/16, a cashless parking option for parking in Perth City and an option for a concessionary parking tariff for conference trade in Perth City.

Motion (Councillors J Kellas and D Doogan)

- (i) **The commencement of the legal procedure to promote a variation to the Perth Traffic Management Order to:**
 - (a) **replace several sections of No Waiting at Any time and No Day time Waiting;**
 - (b) **remove 10 Disabled Parking Spaces in South Street; and**
 - (c) **introduce 47 Pay and Display Parking Spaces and 1 Loading Bay in Princes Street, South Street and Tay Street, all as detailed in Report 16/249, be approved;**
- (ii) **Progress with the Canal Street multi storey car park redevelopment, as detailed in Report 16/249, be noted;**
- (iii) **It be agreed to limit the pay on foot parking systems to current locations and the Canal Street multi storey car park, all as detailed in Report 16/249;**
- (iv) **The proposal for Free After 2 in 2016/17, be approved;**
- (v) **The introduction of cashless parking in Perth City, as detailed in Report 16/249, be agreed;**
- (vi) **The introduction of a concessionary parking tariff for conference trade in Perth City, as detailed in Report 16/249, be agreed.**

Amendment (Councillors W Robertson and A Gaunt)

- (i) The commencement of the legal procedure to promote a variation to the Perth Traffic Management Order to:
 - (a) replace several sections of No Waiting at Any time and No Day time Waiting;
 - (b) remove 10 Disabled Parking Spaces in South Street; and
 - (c) introduce 47 Pay and Display Parking Spaces and 1 Loading Bay in Princes Street, South Street and Tay Street, all as detailed in Report 16/249, be approved, with the parking on Tay Street to be restricted to the city side only;
- (ii) Progress with the Canal Street multi storey car park redevelopment, as detailed in Report 16/249, be noted;
- (iii) It be agreed to limit the pay on foot parking systems to current locations and the Canal Street multi storey car park, all as detailed in Report 16/249;
- (iv) The proposal for Free After 2 in 2016/17, be approved;
- (v) The introduction of cashless parking in Perth City, as detailed in Report 16/249, be agreed;
- (vi) The introduction of a concessionary parking tariff for conference trade in Perth City, as detailed in Report 16/249, be agreed.

In terms of Standing Order 44, a roll call vote was taken.

2 Members voted for the Amendment as follows:
Councillors W Robertson and A Gaunt.

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11 Members voted for the Motion as follows:

Councillors Kellas, Anderson, Barnacle, Baird, Cowan, Doogan, Gray, Laing, Livingstone, Maclachlan and MacLellan.

Amendment – 2 votes

Motion – 11 votes

Resolved:

In accordance with the Motion.

434. PROPOSED VARIATION TO WAITING RESTRICTIONS AT HIGH STREET, PERTH

There was submitted a report by the Director (Environment) (16/250) (1) outlining proposed variations to the waiting restrictions and parking provision in the High Street, Perth which are required due to the realignment of the footways and carriageway, to accommodate the proposed ramp and steps in the footway, the realignment is designed to improve the streetscape environment linking the pedestrianised section of the High Street and Tay Street, Perth; and (2) seeking approval for the commencement of the process of varying the Traffic Regulation Orders to (a) reduce the parking capacity from 5 disabled bays to 2 disabled bays and from 5 pay and display bays to 3 pay and display bays; and (b) extending the no waiting at any time from Tay Street to enable vehicles to turn from Tay Street into High Street and to keep the area between the 2 and 3 High Street building entrances clear to create an improved pedestrian environment.

Resolved:

- (i) The promotion of a variation to the relevant Road Traffic Order to reduce the parking capacity from 5 disabled bays to 2 disabled bays and from 5 pay and display bays to 3 pay and display bays, be approved;
- (ii) The extension of the no waiting at any time from Tay Street to enable vehicles to turn from Tay Street into High Street and to keep the area between the 2 and 3 High Street building entrances clear to create an improved pedestrian environment, be approved.

435. PROPOSED VARIATIONS TO WAITING RESTRICTIONS ON ALMONDGROVE PLACE, AULD BOND ROAD, DUNCANSBY WAY, MUIRTON AREA, PERTH

There was submitted a report by the Director (Environment) (16/251) (1) outlining the problems experienced by the local residents and businesses of Almondgrove Place, Auld Bond Road, Duncansby Way and Muirton Area, Perth due to indiscriminate parking and (2) seeking approval for the commencement of the process of varying the Perth Traffic Management Order to introduce waiting restrictions on the above streets in Perth.

Resolved:

- (i) The commencement of the legal procedure to promote a variation to the relevant Traffic Regulation Order (TRO) to introduce No Waiting at Any Time waiting restrictions on the following streets in Perth, be approved:
 - (a) Almondgrove Place

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- (b) Auld Bond Road
 - (c) The various junctions in the Muirton area, all as detailed in Paragraphs 1.10-1.17 of Report 16/251.
- (ii) The length of restriction to be reduced at Duncansby Way, Perth, as discussed with the resident and Councillor D Doogan from the Proposed Variation to Waiting Restrictions, be approved.

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## EXECUTIVE SUB-COMMITTEE OF THE ENTERPRISE AND INFRASTRUCTURE COMMITTEE

Minute of meeting of the Executive Sub-Committee of the Enterprise and Infrastructure Committee held in the Board Room, Ground Floor, Dewar's Centre, Glover Street, Perth on Friday 19 August 2016 at 2.30pm.

Present: Councillors J Kellas, J Flynn, A Gaunt, J Giacobazzi and A Livingstone.

In Attendance: B Renton, Director (Environment); W Young and C Haggart (both the Environment Service); C Flynn and S Hendry (both Corporate and Democratic Services).

Councillor J Kellas, Convener, Presiding.

### 1. WELCOME AND APOLOGIES/SUBSTITUTES

The Convener welcomed all those present to the meeting.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### 3. PROPOSED VARIATION TO WAITING RESTRICTIONS WITHIN THE CITY CENTRE AREA, PERTH

There was submitted a report by The Director (Environment) (16/346) summarising an objection received on the proposal to increase the parking provision on Tay Street, Perth.

#### **Resolved:**

- (i) It be agreed to set aside the objection received and instruct the Director (Environment) to proceed to make the Traffic Regulation Order to increase the parking provision on Tay Street, Perth as advertised.
- (ii) The Director (Environment) be instructed to submit a report to a future meeting of the Enterprise and Infrastructure Committee regarding the possible shared use foot/cycle way on the riverside of Tay Street, Perth.

DRAFT





## PERTH AND KINROSS COUNCIL

### PERTH CITY DEVELOPMENT BOARD

Minute of meeting of the Perth City Development Board, held in the Gannochy Suite, Dewars Centre, Glover Street, Perth on Tuesday 15 December at 4.30pm.

**Present:** J Bullough, McEwens of Perth (Chairman)  
Councillor I Miller  
Councillor J Kellas (up to and including Item 6)  
Councillor A MacLellan  
Councillor A Stewart (up to and including Item 6)  
Ms B Malone, Perth and Kinross Council  
Mr J Valentine, Perth and Kinross Council  
Mr D Littlejohn, Perth and Kinross Council  
Ms S Butler, Scone Palace  
Dr J Kynaston, The Gannochy Trust  
Mr K Greenhorn, SSE Enterprise  
Ms E Mitchell, Scottish Enterprise (up to and including Item 6)  
Mr G Stubbs, Perthshire Chamber of Commerce  
Ms M Munckton, Perth College UHI  
Professor C Lang, UHI (substituting for Professor C Mulholland)

**In Attendance:** G Pinfield, Perth & Kinross Council  
H Rheinallt, Perth & Kinross Council

**Apologies:** Councillor D Doogan  
Mr Graham Burnett, USSI  
Mr Fergus Clark, Inveralmond Brewery  
Mr Ian Ferguson, Aviva  
Mr Andrew Jarvis, Stagecoach  
Mr C Kinnoull, Hiscox  
Ms Lesley Mclay, NHS Tayside  
Mr D Ross, Kilmac Construction  
Professor C Mulholland, UHI

J Bullough, Chairman, Presiding.

#### 1. WELCOME AND INTRODUCTIONS

J Bullough, Chairman welcomed everyone to the meeting and apologies were noted as above.

#### 2. MINUTE OF MEETING OF 8 SEPTEMBER 2015

The minute of meeting of 8 September 2015 was submitted and approved as a correct record.

### **3. MATTERS ARISING**

#### **(i) The Role of UHI in Furthering the Ambitions of Perth City Region Economy (Item 3 refers)**

B Malone reported that a meeting had taken place with Professor Mulholland and M Munckton, UHI. J Bullough reported that it had been a very positive discussion on how to improve the connection between Perth College UHI and Perth City Centre. It was agreed to have a further meeting between Perth Council, Perth College and UHI officials to continue this dialogue.

M Munckton advised members that the Perth College UHI Board had requested that priority be given to the issue of rebranding following the suggestion from the Board that Perth College considers rebranding to UHI Perth

#### **(ii) City of Culture Bid (Item 8(ii) refers)**

J Bullough reported that the development of a bid for the UK City of Culture 2021 had been approved by the Council in October 2015. He highlighted to members that the bid is linked to a number of areas within the Perth City Plan and that the big moves within the Board Cultural Theme of the City Plan would form an essential part of the bid.

### **4. SMART PERTH AND KINROSS STRATEGY AND SMART CITY PROJECTS**

G Pinfield, Smart Perth Projects Officer, The Environment Service, Perth and Kinross Council gave a presentation to the Board regarding the Smart Perth and Kinross Strategy and Smart City Projects.

The Board noted the following:

- The components of a successful smart city
- The smart city model
- The smart city as a collaborative city, with New York and London as examples
- The need to consider opportunities for smart growth with the Perth City Plan
- Scotland's smart cities agenda and funding received for some of the priorities from the European Regional Development Fund (ERDF)
- Projects which would be funded by the money from the ERDF
- Open data, which is part of the Council's transformation project; it is key to transport improvements in the future
- An energy app created by Glasgow City Centre, which allows users to view the city's energy performance at both district and building level
- Glasgow's operations centre which integrates public safety and traffic cameras

- The planned use of intelligent street lighting in three parts of Perth City
- The potential for the use of city-wide wireless in Perth
- The importance of supporting an innovation hub in Perth to support the skills agenda of the future
- The trial of five waste bin sensors in Perth city centre which can detect fill levels and reorganize routes accordingly
- The need to be aware of the increased use of apps
- The benefits of a smart city
- The smart city strategy and action plan, to be developed with the Perth City Plan
- A video containing information on smart perth can be accessed at: <http://www.investinperth.co.uk/invest/smart-perth-and-kinross>

Members discussed: the Perth City app and the need for improvements to be made to it, through considering other examples of best practice and using content generated from businesses; the potential for digital signage around the city centre using Quick Response (QR) codes; apps can be used to target the offer of the city to users; the pilot use of the mi Perth card and current discussion on how it would work in the future.

K Greenhorn highlighted the smart campuses created by SSE and Scottish universities, and offered assistance.

E Mitchell queried whether the data would be provided by the Council or private sector companies. G Pinfield advised that more input from the private sector would be welcome, and offered to circulate the draft publication plan to members.

Councillor Miller pointed to the importance of taking advantage of the experimentation already carried out with the Glasgow Project, and of being aware of new technology.

J Bullough thanked G Pinfield for delivering the presentation.

## **5. PERTH CITY PLAN – CONSULTATION RESULTS AND RECOMMENDED AMENDMENTS**

There was submitted a report by John Bullough, Chairman (G/15/320) providing a summary of the consultation responses to the draft Perth City Plan.

Councillor Kellas highlighted the importance of communication with different groups. E Mitchell agreed, highlighting that there is not enough evidence to demonstrate that the Perth City Plan appeals to retired or young people. J Valentine responded that a broad spectrum of consultation had been carried out. D Littlejohn advised that there could be more involvement at further stages of the process.

**Resolved:**

- (i) The recommended amendments to the Plan arising from consultation be agreed, and Council agreement and support be pursued.
- (ii) The agreed actions be progressed collaboratively via project groups and reported via lead representatives of the Board on the Plan's key themes.
- (iii) The Plan be used to inform and support funding for key activities, infrastructure and projects.
- (iv) The Plan be promoted through the preparation of executive summaries for business and public audiences and a communications strategy providing a framework to publicise ongoing activity, actions and opportunities for participation and support for the delivery of key projects.

**6. PERTH CITY PLAN DELIVERY FRAMEWORK – REMIT AND ROLES**

There was submitted a report by John Bullough, Chairman (G/15/321) identifying roles, remits and responsibilities of both public and private partners to further develop actions and projects identified within the City Plan.

J Bullough highlighted important aspects of the delivery framework, including: the extensive nature of the big moves; that the work and delivery would be led from the Board; and that the Theme Leads would be working with officers to decide on the big moves, with the officers carrying out the day-to-day work. D Littlejohn invited board members to be involved in any big move, with the Theme Lead, that they had an interest in.

B Malone advised that other expertise would be needed, including an officer from the Council's Education and Children's Services to progress the City of Knowledge and Learning, and the possibility of a project board consisting of the Council's project teams on cultural activity, which could be combined with the visitor economy theme.

Members discussed the difficulties in facilitating communication between Perth's hoteliers, and any assistance which could be offered.

**COUNCILLOR KELLAS LEFT THE MEETING AT THIS POINT**

M Munckton highlighted the need to remain mindful of links between the different themes and moves. J Bullough responded that the Board would be the conduit for these links.

**E MITCHELL LEFT THE MEETING AT THIS POINT**

J Bullough reported that once the Perth City Plan had been agreed by the Council, the Delivery Framework would be re-submitted to the Board.

**COUNCILLOR STEWART LEFT THE MEETING AT THIS POINT**

**Resolved:**

The Board noted the contents of Report G/15/321.

**7. COMMUNICATIONS PROTOCOL**

There was submitted a report by John Bullough, Chairman (G/15/322) outlining a draft protocol and options for resourcing communications by the Perth City Development Board.

B Malone highlighted the importance of considering the publicity trailing the Perth City Plan, as well as press announcements, particularly as judges for the City of Culture bids will look at this information, and therefore it is important that the publicity continues to promote forward-thinking, positive life in Perth.

**Resolved:**

J Bullough, Chairman be requested to make a statement to the press when the Perth City Plan is published.

**8. CITY PLAN PROGRAMME**

There was submitted and noted a report by J Valentine, Depute Chief Executive (Sustainability, Strategic and Entrepreneurial Development) (G/15/323) providing an update on the current progress on key milestones contained in the current City Plan Delivery Programme.

**9. ANY OTHER COMPETENT BUSINESS**

**(i) Recent Developments at Stagecoach East Scotland**

J Bullough provided the following update on recent developments at Stagecoach: the launch of the X55 Express City Connect service from Edinburgh to Perth, operating every hour on weekdays and every second hour on Sundays, using five coaches fitted with leather reclining seats, air conditioning, plug sockets, free wifi and toilets, with weekly travel beginning at £27.

**(ii) Car Parking in Perth**

J Bullough referred to the perception by the public that Perth is not car-friendly, for example the recent bad press surrounding the Smart Parking car park at Kinnoull Street. Members discussed options for car parking in Perth.

J Valentine referred to changes to the parking charges which would be coming into effect from 11 January 2016, and the scheduled refurbishment of the Canal Street multi-storey car park.

**10. DATE OF NEXT MEETING**

The next meeting will take place on 23 February 2016 at 4.30pm. The venue will be advised in due course (subsequently arranged to take place at Perth College UHI).



## Perth City Development Board

Minute of meeting of the Perth City Development Board, held in Room 30, Ground Floor, Brahan Building, Perth College UHI, Crieff Road, Perth on Tuesday 23 February 2016 at 4.30pm.

### Present:

J Bullough, McEwens of Perth (Chairman)  
Councillor D Doogan  
Councillor A MacLellan  
Councillor M Roberts (substituting for Councillor A Stewart)  
Mr J Valentine, Perth & Kinross Council  
Mr D Littlejohn, Perth & Kinross Council  
Ms S Butler, Scone Palace  
Mr F Clark, Inveralmond Brewery  
Mr A Jarvis, Stagecoach East Scotland  
Mr D Ross, Kilmac Construction

K Bazley, Scottish Enterprise (substituting for Dr E Mitchell)  
Ms M Munckton, Perth College UHI  
Mr G Stubbs, Perthshire Chamber of Commerce  
Mr C Laing, University of the Highlands and Islands (substituting for Professor C Mulholland)

### In Attendance:

Mr J Fyffe, Perth & Kinross Council  
J McCrone, Perth & Kinross Council  
F Robertson, Perth & Kinross Council  
Y Oliver, Perth & Kinross Council

### Apologies:

Ms B Malone, Perth & Kinross Council  
Councillor A Stewart  
Councillor I Miller  
Councillor J Kellas  
Dr J Kynaston, The Gannochy Trust  
Mr S Edwards, The Parklands Hotel  
Mr K Greenhorn, SSE  
Ms L Mclay, NHS Tayside  
Ms L Hanna, Scottish Enterprise  
Mr G Burnett, USSIM  
Mr I Ferguson, Aviva  
Mr C Kinnoull, Hiscox  
Ms E Mitchell, Scottish Enterprise  
Professor C Mulholland, University of the Highlands and Islands

J Bullough, Chairman, Presiding.

## **1. WELCOME AND INTRODUCTIONS**

J Bullough, Chairman welcomed everyone to the meeting and apologies were noted as above. He thanked Margaret Munckton, Principal, Perth College UHI for agreeing to host the meeting.

The Chairman advised members that, as a report providing a summary of the consultation responses to the draft Perth City Plan, recommending amendments and actions (Report 16/71 refers) was being submitted to Perth and Kinross Council the following day (Wednesday 24 February 2016), this meeting of the Perth City Development Board was more of a transitional meeting and to update members on the tremendous amount of work which was going on in the background relating to the Plan.

## **2. MINUTE OF MEETING OF 24 FEBRUARY 2015**

The Minute of meeting of 15 December 2015 was submitted and approved as a correct record.

## **3. MATTERS ARISING**

There were no matters arising from the Minute of 15 December 2015.

## **4. DEVELOPING THE CULTURAL OFFER IN PERTH**

Fiona Robertson, Head of Public Service Reform, Culture and Community Services, Perth and Kinross Council gave a presentation to the Board on 'Developing the Cultural Offer in Perth'. The following points were noted:

- Perth was the only Scottish City to be granted the privilege of hosting the "Wave and Weeping Windows" display – the iconic poppy sculptures commemorating the British and Commonwealth soldiers who lost their lives in the First World War.
- Market research had been carried out in 2015 with the findings being presented to the Perth City Development Board in 2015 (Report G/15/185 refers). This had been updated and was being used to develop a business case for securing investment in the improvement and development of cultural attractions.
- One of the key findings was that there were a number of attractions that performed really well (Scone Palace, the Black Watch Museum and the Art Gallery) but generally the city and its attractions were needed to improve relative to the wider Perthshire and other adjoining areas.



- Perth's day visitor market had been identified as a potential 3.7 million visitors and, when combined with overseas visitors, to approximately 4.8 million visitors per year.
- The strategy continues to focus on the Ancient Roots/Modern Scots concept based around the enhancement of links between existing multiple attractions within the city, improvement of the Museum and Art Gallery and the potential development of additional exhibition space and facilities for national collections as part of a more contemporary offering.
- Developing the strategic relationship and links with Dundee and the V&A in particular remained important to encourage more people to visit and stay in the area.

## 5. PERTH CITY PLAN

There was submitted a report by J Bullough, Chairman, (G/16/45) providing a summary of progress in relation to establishing a framework for managing delivery of Perth City Plan collaboratively via public/private project groups with input from agreed Board representatives.

The Board had previously agreed that, following approval of the Plan, its delivery would be progressed via subsidiary project groups for the development of infrastructure to support smart growth and required actions for each of the big moves, as identified in the Plan.

Sub-committees had now been aligned to themes and Board Theme Leads are as follows:

- Economic Prosperity and Enterprise – George Stubbs (Theme Lead)
- Knowledge and Learning – Margaret Munckton (Theme Lead)
- The City Centre – John Bullough (Theme Lead)
- The Visitor Economy – Charles Kinnoull (Theme Lead)

Meetings have been held between the Chairman of the Board and each of the Board Theme Leads at which priorities were identified and a framework created to deliver them. Following on from these meetings, the Board Theme Leads are now seeking additional private sector input into working groups on the basis of those who have previously participated in the preparation of the Plan via business working groups and other business networks. The Chairman also asked members to encourage volunteers to get involved.

A draft delivery and performance management framework, based on best practice from other cities, has now been prepared and circulated to the Board's Theme Leads and Big Move Lead Officers to consider

(Appendix 1 to Report G/16/45) in respect of agreeing priority projects and reporting on performance.

**Resolved:**

- (i) Progress in respect of delivery of current identified activity and projects, be noted; and
- (ii) Board Theme Leads be requested to submit further detail on the delivery of agreed Themes and Big Moves to future meetings of the Perth City Development Board.

**6. CITY PLAN DELIVERY PROGRAMME**

There was submitted and noted a report by J Valentine, Executive Director (Environment), Perth & Kinross Council (G/16/46) providing an update on the current progress on key milestones contained in the current City Plan Delivery Programme.

**7. CITY DEVELOPMENT BOARD SUB-GROUPS**

- (i) Members noted that the City Development Board Sub-Groups had now been replaced by the Theme Leads and an update would be provided to the next meeting of the Board;

- (ii) Business Tourism Development

There was submitted and noted Report (G/16/38) providing an update on the development of the city region's business tourism proposition.

S Butler, Chief Executive, Scone Palace advised members that Perthshire Business Tourism Group (PBTH) has been relaunched and will collaboratively market the meetings, incentives, conference and business events offer to associations, corporate events, buyers and destination management companies.

As well as current membership, there are a further 10 businesses considering membership based within the city and a focus will be placed on recruiting these.

PBTG, and the new website [www.meetingsperthshire.co.uk](http://www.meetingsperthshire.co.uk), was officially relaunched on 9 February 2016 at Hilton Dunkeld. The main marketing activities for the Group are the website and online marketing, attendance at industry events and familiarisation trips for meetings/conference buyers.

(iii) City of Knowledge and Learning

M Munckton advised members that she had established the City Of Knowledge and Learning Sub-Group, which included officers from Perth and Kinross Council, to look at developing education and skills support in respect of Health and Wellbeing, Food and Drink, and “Town and Gown” – to share knowledge and expertise with the City.

It was also noted that a Board was being established in respect of Developing Scotland’s Young Workforce, which would be private-sector led and link with the Sub Group to avoid duplication and maximise effective use of resources.

**8. ANY OTHER COMPETENT BUSINESS**

- (i) The Chairman advised that a report would be submitted to the next meeting of the Board, setting out the governance procedures, e.g. members being re-appointed annually; what the rule regarding substitutes was; why a certain individual was a member of the Board. It was also suggested that there should be youth representation on the Board.

M Munckton advised that some of her staff and students had expressed a wish to provide continuing input to the City Plan and J McCrone, City Development Manager, undertook to follow this up. **(Action: J McCrone)**

- (ii) City Deal – members were advised that a presentation would be provided to the next meeting of the Board on the City Deal, which aims to provide resources to give local authorities greater capacity to drive economic growth.

D Littlejohn, Head of Planning and Development, Perth and Kinross Council informed members that there would be a series of workshops about shaping the detail of the Deal to which they would be invited. He also advised that it would involve extensive negotiation to reach agreement on the projects to be supported and outcomes to be delivered but was focused on “being a smarter and fairer region”.

- (iii) A Jarvis, Stagecoach East Scotland, advised members that, since its introduction in November 2014, the X7 Service, which was the Coastrider between Aberdeen and Perth, had carried over 1 million passengers.

Following a request, he advised that he would obtain the figures for the X55 Service, Perth to Edinburgh, for the next Board meeting. **(Action: A Jarvis)**

- (iv) The Chairman advised that progress on the report to Council on Wednesday 24 February 2016 would be reported through social and print media.

## **9. DATE OF NEXT MEETING**

The next meeting of the Perth City Development Board had been scheduled to take place on Tuesday 21 June 2016 but was subsequently re-arranged. It would now take place on **Tuesday 31 May 2016** at **4.30pm**. The venue will be advised in due course.

**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Policy and Level of Service for Winter Service 2016/2017****Report by Director (Environment)**

This report recommends the level of service for the gritting and snow clearing of roads and footways in Perth and Kinross during the winter of 2016 / 2017.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 Within Perth and Kinross, there are a variety of arrangements for the Winter Service on Public Roads. Almost 900km of the Council's 2,500km road network is designated as having a high priority for winter service. These priority routes receive precautionary treatment that aims to keep them generally ice-free, although this can never be guaranteed.
- 1.2 The Council also provides a high level of service on priority footways in busy urban areas. Lower levels of treatment are provided on the remainder of the carriageway and footway network, as and when required during normal working hours.
- 1.3 Some very low priority carriageways and footways are normally not treated unless hard packed snow or ice threatens to prevent access for essential services.
- 1.4 In periods of prolonged severe weather, resources are targeted towards keeping strategic roads and footways network open. As a result, it can be a considerable time, in some cases several days, before low priority routes are reached. The availability of operatives also impacts on the level of cover that can be provided for footway treatment.
- 1.5 The Scottish Government is responsible for the winter service on the 250 km of trunk road network within Perth and Kinross covering the M90, A90, A9 and A85. This service is provided by the Operating Company - BEAR (Scotland) Ltd.
- 1.6 Experience of recent winters has shown that the level of service is generally satisfactory, although severe snow and ice events do fully stretch the available resources.

- 1.7 Four out of the last eight winters have seen severe winter weather affect the Perth and Kinross Council roads and footway network. The 2015/16 winter was not severe. This can be seen in the table of statistics on page 4 of this report. It is always, however, appropriate to review and evaluate the arrangements for dealing with winter. This requires to be done in the context of the likelihood of severe weather happening, along with other demands on the Council budget.
- 1.8 At the end of each winter season, a review of operations is carried out with stakeholder consultation. Changing weather patterns, resources and personnel constraints mean that the winter service is an evolving one. These reviews seek to provide an acceptable level of service while containing costs, improving the work/life balance for personnel and complying with EU working time directives. The proposals in section 2 show minimal change to last winter but reflect the above.
- 1.9 It should be noted that containing costs brings with it a risk of resources being fully stretched when adverse weather is encountered, especially if this occurs early or late in the season, when there is a reduced level of vehicles available.
- 1.10 The winter of 2015 / 16 was a fairly average one with many marginal nights along with some snow events, but no significant long periods of temperatures staying below freezing.

| Winter                                                                                  | 2015 / 16 | 2014 / 15 | 2013 / 14 | 2012 / 13 | 2011 / 12 | 2010 / 11 | 2009 / 10 | 2008 / 09 |
|-----------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>Number of treatments</b>                                                             |           |           |           |           |           |           |           |           |
| <b>Perth Nightshift priority routes gritted</b>                                         | 65        | 72        | 60        | n/a       | n/a       | n/a       | n/a       | n/a       |
| <b>Blairgowrie nightshift route gritted</b>                                             | 82        | 80        | 65        | n/a       | n/a       | n/a       | n/a       | n/a       |
| <b>Pre grits (cat 1)</b>                                                                | 46        | 45        | 38        | 50        | 41        | 53        | 60        | 55        |
| <b>Part pre grits</b>                                                                   | 18        | 20        | 28        | 29        | 17        | 15        | 29        | 32        |
| <b>De-ice or snow clearing on Cat 1 roads</b>                                           | 80        | 99        | 81        | 103       | 85        | 92        | 99        | 77        |
| <b>De-ice or snow clearing on Cat 2 roads</b>                                           | 34        | 46        | 44        | 62        | 43        | 63        | 59        | 52        |
| <b>De-ice or snow clearing on Cat 3 roads</b>                                           | 7         | 10        | 5         | 20        | 13        | 42        | 29        | 17        |
| <b>De-ice or snow clearing on footways</b>                                              | 23        | 27        | 15        | 68        | 42        | 53        | 47        | 38        |
| <b>Number of snow days</b>                                                              | 37        | 42        | 24        | 51        | n/a       | n/a       | n/a       | n/a       |
| <b>Snow clearing operations carried out on at least 50% of the PKC network of roads</b> |           |           |           |           |           |           |           |           |
| <b>All crews stood down (number of times)</b>                                           | 10        | 20        | 20        | 22        | 32        | 33        | 31        | 42        |
| <b>Some crews stood down (number of times)</b>                                          | 28        | 32        | 39        | 40        | 58        | 41        | 56        | 54        |
| <b>Crews called out from home</b>                                                       | 5         | 12        | 12        | 15        | 21        | 24        | 7         | 5         |

|                                         |  |  |  |  |            |            |            |            |            |            |            |            |
|-----------------------------------------|--|--|--|--|------------|------------|------------|------------|------------|------------|------------|------------|
| <b>Alerts called</b>                    |  |  |  |  |            |            |            |            |            |            |            |            |
| <b>Blue</b>                             |  |  |  |  | 6          | 10         | 2          | 16         | 13         | 4          | 7          | 7          |
| <b>Orange</b>                           |  |  |  |  | 3          | 8          | 2          | 16         | 12         | 16         | 10         | 9          |
| <b>Red</b>                              |  |  |  |  | 0          | 0          | 0          | 0          | 0          | 24         | 30         | 0          |
| <b>Salt usage (Tonnes)</b>              |  |  |  |  |            |            |            |            |            |            |            |            |
| <b>Carriageway</b>                      |  |  |  |  | 21,300     | 21,212     | 13,534     | 23,716     | 16,005     | 25,195     | 24,005     | 23,680     |
| <b>Footway</b>                          |  |  |  |  | <i>inc</i> | <i>inc</i> | <i>inc</i> | <i>inc</i> | <i>inc</i> | <i>inc</i> | <i>inc</i> | <i>inc</i> |
| <b>Grit sand</b>                        |  |  |  |  | 466        | 1083       | 505        | 6368       | 604        | <i>n/a</i> | <i>n/a</i> | <i>n/a</i> |
| <b>Failure to meet level of service</b> |  |  |  |  |            |            |            |            |            |            |            |            |
| <b>Vehicle breakdown</b>                |  |  |  |  | 7          | 21         | 16         | 7          | 2          | 0          | 5          | 1          |
| <b>Other</b>                            |  |  |  |  | 0          | 4          | 4          | 6          | 4          | 0          | 5          | 0          |

## 2. PROPOSALS

- 2.1 All roads and footways in Perth and Kinross are categorised according to their relative importance. The finite resources are allocated to ensure that the safety of the public is maximised and that accessibility is maintained on the most heavily used roads and footways. However, severe snow events may prevent access at times.
- 2.2 The policy in place is designed to deal with a typical winter and resources will always be tested in severe events. During such times, the most important routes within the Category 1 network now designated Category 1a, will be prioritised as listed in Appendix 3.
- 2.3 It is proposed to continue to carry out de-icing treatments on the South nightshift route using a brine solution instead of traditional rock salt. This will continue to give savings compared to using pure rock salt. A gritter, previously used by Tayside Contracts on the trunk roads that is fitted with brine tanks, will continue to be used in the south area. In addition to the brine saturator equipment currently in place at the Ruthvenfield depot in Perth, it is also proposed to purchase an additional brine saturator unit for the Blairgowrie depot to allow brine treatment to be carried out on the nightshift carriageway route in the north area. There is a potential saving in salt use of approximately 30% on brine treated routes, with an estimated saving of £11k on this new North route.
- 2.4 It is similarly proposed to continue de-icing treatments on Perth city centre and Bridge of Earn footway routes using the same brine process as this worked well last winter. In addition to these two, more priority footway route tractors in the Kinross area will be converted to use a brine solution for this coming winter. This is possible due to the introduction of brine carriageway treatments and has the potential to save money in comparison to using rock salt. This will also lessen the impact of rock salt lying on footways causing problems for local businesses. Feedback received from Perth city centre businesses has been very positive for the brine treatment carried out there last winter.

- 2.5 The level of service generally complies with the recommendations laid down in Appendix H of “Well Maintained Highways”, the UK Code of Practice for Highway Maintenance Management, and is summarised in Appendices 2a and 2b. There is currently an ongoing debate with Scottish winter maintenance practitioners regarding the practicalities and financial issues surrounding the implementation and adoption of **all** of the new recommendations contained in the new document. Until the Society of Chief Officers of Transportation in Scotland (SCOTS) working group have concluded their discussions and given their recommendations to Scottish local authorities, Perth and Kinross Council will not fully adopt the new revision of Well Maintained Highways (appendix H). The Council will continue to work to the recommendations contained in the previous version, which have served the Council well over previous years.
- 2.6 Cover will be provided between 10 October 2016 and 9 April 2017. Appendix 1 details the resources available over this period. The control room facility with officers working from home out with normal hours will operate over this full period.
- 2.7 Appendix 1 details the times of the day during which the agreed level of service will be provided, if actual or predicted weather conditions dictate that treatment is required. However, in periods of prolonged severe weather, this level of service is often not achievable, given the need to ensure that the pool of operatives are not overstretched and are given adequate (statutory) rest breaks. This is particularly evident during the lead-in/lead-out period, weekends or public holidays when a reduced number of relief drivers are available.
- 2.8 In severe weather conditions, the higher priority routes may have to be treated several times before resources can be diverted to lower priority routes. There is little point in clearing less important routes if the more important roads to which they give access have not been cleared.
- 2.9 In severe conditions in low usage areas, treatment may be restricted to clearing only the carriageway or one footway. Restricting the activity in this way will help to ensure that the limited resource is as widely spread across communities as possible.
- 2.10 **Response Time:** 1 Hour - the maximum time between the decision to begin treatment and vehicles leaving the depot. (For un-planned activities, this includes calling operatives from home).
- 2.11 **Cat 1 Treatment Time:** 2.5 Hours – this is the maximum de-ice treatment time for a priority route in the main cover period (see Appendix 2a).



2.12 **Target Completion Time** - during the main cover period, the target completion time for routine morning de-icing of Category 1 carriageways is 07:30 (09:00 on Sundays and nationally recognised public holidays). The treatment time in severe weather conditions will be longer. As soon as snow falls, it could take at least twice as long to complete treatment, as vehicles need to travel more slowly and ploughing must be done in both directions. With the exception of the two nightshift routes, which operate during the main standby period, no treatment will routinely extend beyond 21:00 (see Appendix 2a).

- Category 1 priority roads will be treated seven days per week as detailed above.
- Category 2 roads will be treated five days per week (Monday to Friday) as resources permit.
- Category 3 routes comprise of roads which are not normally treated, except in prolonged ice or snow conditions and only when resources become available. Each treatment route will be arranged so that the most important parts are treated first, whilst taking account of operational efficiency.

2.13 Footways receive treatment according to their usage and importance in the public road network (see Appendix 2a). Based on this assessment: -

- Category 1 priority footways will be treated seven days per week, with extended hours on weekdays if an alert is called. However, no footway treatment will be carried out on Christmas Day and New Year's Day as in general shops are not open on those days.
- Category 2 footway routes will be treated five days per week (Monday to Friday) as resources permit.
- Category 3 routes comprise of footways which are not normally treated, except in prolonged ice or snow conditions and only when resources become available. Each footway treatment route will be arranged so that the most important parts are treated first, while taking account of operational efficiency.

2.14 In most areas, the footway on one side of the road only may be treated. This releases resources to provide earlier treatment in other areas.

2.15 The Council are continuing with the use of social media such as Facebook and Twitter as well as the Council web site to provide real time information on the local roads and footways network to the public for winter 2016 / 2017. Perth and Kinross are working with Police Scotland and Transport Scotland in order to maximise resources and efficiency when providing the travelling public with real time information on road conditions / closures during snow and ice events.

- 2.16 Some communities have intimated a desire to help themselves and officers have been in consultation with interested community groups. It is hoped to continue to build on support from able local people/community resilience groups willing to treat sections of footway that the Council cannot ordinarily treat. This is through initiatives such as:
- the Snow Warden scheme, where local individuals or Community Councils are provided with a push along barrow to grit sections of footway
  - Housing associations in the Perth area have been provided resources for treating footways during snow conditions
  - Criminal Justice has also assisted with labour resources during snow conditions and it is hoped to develop this further over the coming winter.
- 2.17 Salt conservation measures including the use of a salt: grit sand mix have been implemented on rural non priority carriageway routes during previous winters. It is proposed that this will continue for winter 2016/2017 in order to conserve salt stocks. There is a UK-wide agreement managed by the Scottish Government to monitor and report on salt use and stock levels which is reported nationally to Westminster. This Council remain committed to reporting and complying as required.
- 2.18 For 2015/16, the salt order was 23,000 tonnes which is similar to the total amount of salt used during the winter of 2014/2015. For winter 2016/2017, it is intended to pre-order and hold salt stocks at the same level.
- 2.19 The Council currently provides in excess of 1300 grit bins. This large number reflects the Council's desire to encourage self-help and its decision not to treat some minor roads routinely. In order to contain costs within the finite budget allocation, the criteria used to assess their justification have to be applied consistently. Grit bins are generally provided on steep gradients, tight bends and steps, or in some special cases, where there is a specific community need. They are normally not provided on routes which are treated routinely. Grit bins will generally be filled with a salt/sand mixture, but when salt conservation measures are required, will be filled with grit sand only.
- 2.20 Grit bins are provided for use on public roads and not on private areas. Private occupiers should purchase salt from DIY stores and builders merchants for use on their own properties.
- 2.21 There are currently voluntary arrangements with around 70 farmers to whom the Council supplies snow ploughs, in return for which they undertake to fit them on their own vehicles to clear snow on specified lengths of public road as well as to clear their own private roads. These arrangements cover about 300km of road, which is 8% of the overall Council road network. In areas where the local roads network presently has little coverage from the farmer assistance scheme, any interested local farmers will be considered for winter 2016/2017.

- 2.22 In addition, some farmers have indicated that they are available to be employed in severe conditions, to undertake snow clearing of additional lengths of road. These farmers are called on for Orange Alerts as the earlier these additional resources are utilised, the greater the visible benefits will be.
- 2.23 The following replacement items of winter maintenance plant will be available for winter 2016 – 2017:
- 1 6 X 6 gritter with brine tanks fitted
  - 1 4 X 4 gritter
  - 2 demount gritters
  - 2 footway tractors with brine tanks fitted
- 2.24 The weather forecast contract for the winter of 2016 – 2017 will be provided by the Met Office. The organisation provides the weather forecasting service in collaboration between Aberdeen City Council, Aberdeenshire Council, Moray Council, Fife Council Angus Council, Dundee City Council and Perth and Kinross Council for the previous 3 winters.
- 2.25 Situations can occur which require that restrictions on hours, routes, employment of contractors etc. should be relaxed, in order to deal more effectively with the emergency. This is allowed and controlled by a system of 'Alerts'. In serious situations, either an Orange or Red Alert can be authorised, to allow working arrangements outwith the 'normal' policy. A Blue alert is called operationally to mitigate a potentially short term hazardous situation.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 The report covers the arrangements proposed for winter 2016/17.
- 3.2 It is recommended that the Committee:
- (i) approves the winter maintenance service as outlined in this report.
  - (ii) Agrees that the Director (Environment) is authorised to make arrangements outwith the policy and level of service in exceptional conditions such as snow emergencies.
  - (iii) Approves the application of brine on the Blairgowrie nightshift route and Kinross area footway routes.

**Author**

| <b>Name</b> | <b>Designation</b> | <b>Contact Details</b>                                                                             |
|-------------|--------------------|----------------------------------------------------------------------------------------------------|
| Andy Brown  | Support Engineer   | 01738 475000<br><a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>    | <b>Designation</b>     | <b>Date</b>  |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 20 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The winter maintenance service is provided to ensure that transport links essential to economic and social activity can continue to be used safely throughout most of the winter. However, it is not the intention and is not possible to keep all roads free from ice and snow at all times.
- 1.2 The Council's policy is set out in Report 96/180 "Summary of Council Policies for Roads and Transport" approved by the Roads and Transport Committee on 24 April 1996: (Art. 63/96). It is deemed that this policy is still relevant.
- 1.3 Policy 5 of the above report - The Council will operate a priority system of winter maintenance which will, as far as reasonably practicable, permit the safe movement of vehicular and pedestrian traffic on the more important parts of the road and footway network, taking into account the finance which has been made available. The priority system will be applied uniformly and will, as far as possible, contain costs to an acceptable level.

- 1.4 The objective of this policy is to enable the Council to comply with its statutory duty as set out in Section 34 of the Roads (Scotland) Act 1984 which states: “A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads.” The policy allows the Council to meet its statutory obligations by providing the most effective winter maintenance service it can within the constraints of its finite resources. During severe weather, the Council will endeavour to keep delays to a reasonable minimum.

### Corporate Plan

- 1.5 The Council’s Corporate Plan for Securing the Future 2018 and Beyond 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) Promoting a prosperous, inclusive and sustainable economy
  - ii) Supporting people to lead and independent, healthy and active life
  - iii) Creating a safe and sustainable place for future generations

## **2. Resource Implications**

### Financial

- 2.1 The following table illustrates the pattern of expenditure in recent years.

| Year    | Budget  | Standing Charges | Operating Costs | Outturn Cost |
|---------|---------|------------------|-----------------|--------------|
| 2004/05 | £2.826m | £1.359m          | £1.241m         | £2.600m      |
| 2005/06 | £2.911m | £1.378m          | £1.477m         | £2.855m      |
| 2006/07 | £2.888m | £1.275m          | £1.086m         | £2.361m      |
| 2007/08 | £2.888m | £1.433m          | £1.202m         | £2.635m      |
| 2008/09 | £2.888m | £1.549m          | £1.966m         | £3.515m      |
| 2009/10 | £2.888m | £1.752m          | £3.333m         | £5.085m      |
| 2010/11 | £2.795m | £1.794m          | £4.169m         | £5.963m      |
| 2011/12 | £2.795m | £1.776m          | £1.765m         | £3.541m      |
| 2012/13 | £2.880m | £1.997m          | £2.387m         | £4.384m      |
| 2013/14 | £3.317m | £1.317m          | £1.676m         | £2.993m      |
| 2014/15 | £3.617m | £1.986m          | £1.895m         | £3.881m      |
| 2015/16 | £3.593m | £2.088m          | £1.568m         | £3.656m      |
| Mean    |         |                  |                 | £3.622m      |

- 2.2 The costs of providing a winter service are split into two distinct areas:
- Standing Charges – these are the costs involved in having specialised plant, depots, hired plant and standby personnel etc to provide the service and are effectively “up front” costs incurred irrespective of weather conditions.
  - Operating costs – cover the cost of fuel, routine repairs, salt, grit sand and the actual cost of paying staff and operatives to provide the service.

- 2.3 As detailed in the table in paragraph 2.1, the mean outturn cost over the past twelve years has been £3.622m which broadly equates to the budget figure.
- 2.4 The Council have this year set a budget for £3.638m for winter 2016/2017. The Council will continue to implement operational and efficiencies savings to contain costs, but as winter is unpredictable the cost will vary. The actual expenditure on the Winter Service will be dependent upon the severity of the weather throughout the winter and other emergencies throughout the year. It will be closely monitored and reported to the Strategic Policy & Resources Committee.
- 2.5 Perth and Kinross Council worked with Dundee City Council to develop a winter costing sheet database 'app' to replace the existing spreadsheet based financial monitoring system. The new app will allow us to improve our financial monitoring and retrieve data in a more efficient way. It will also allow senior managers to access real time winter maintenance costs directly, in real time, and to interrogate the database for further back up information, as required. The initial set up costs were approximately £10,000 with an annual maintenance cost of £1,500. The annual fee for a similar "app" from Vaisala (the winter information provider) is a recurring cost of £5,750 per annum.

#### Workforce

- 2.6 The staff and the operatives of the Council Services and Tayside Contracts, who provide the service, have demonstrated over the life of the Council, and in particular the last few winter seasons, that they have the experience and expertise to tackle the worst of winter weather.

### **3. Assessments**

#### Equality Impact Assessment

- 3.1 An equality impact assessment has been completed with the following outcomes 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.
- 3.2 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 actions taken to reduce or remove the following negative impacts:
    - There are finite resources which limit the amount of treatment which can be carried out.
  - (ii) Assessed as relevant and the following positive outcomes expected following implementation:

- (iii) The Winter Manual will have a list of priorities for snow clearing. It will include also include giving priority to clearing bus stops disabled parking bays and pedestrian crossing points (both designated pedestrian facilities, and at road junctions) to assist pedestrians, to complete the link between cleared footways and carriageways.
- (iv) Publicity information on the Winter Service distributed to all households via the Council Newspaper, local media and [www.pkc.gov.uk](http://www.pkc.gov.uk) will recommend that members of the community should look out for vulnerable community members and see if they can provide any assistance to them. It will also emphasise that the Council needs the assistance and support of as many members of the community as possible in order to restore the roads and footways to a safe condition.

### Strategic Environmental Assessment

- 3.3 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).
- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and 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.
- 3.5 The reasons for concluding that the PPS will have no or minimal environmental effects is that over the years the roadside verges have already been impacted and have adapted, resulting in vegetation, particularly grass, which is tolerant to the salt. It is not anticipated that there will be any long-term, frequent, permanent or cumulative environmental effects, or impacts on areas of high biodiversity or cultural heritage value, as a result of the policy.

### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.7 Perth and Kinross Council also has the following mitigation measures in place to ensure there is minimal environmental effect as a result of the Winter Service Policy including:
  - Salt Management – gritters are calibrated and data from IEWS system and the specialist weather forecast enables treatment to be targeted at the areas that require it.
  - The majority of the salt storage is in buildings or covered in tarpaulins in locations which have been approved by SEPA, thus helping to prevent leaching into the ground.



- Discharge of surface water from new developments addresses the potential environmental effects to prevent pollution.
- The Winter Service is reviewed on an annual basis to take account of changing climatic factors and planning for extreme weather events.

### Risk

3.8 The Council as Roads Authority have a statutory duty as set out in Section 34 of the Roads (Scotland) Act 1984 which states: “A roads authority shall take such steps as they consider reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads.”

3.9 This policy allows the Council to meet its statutory obligations and minimise exposure to risk by providing the most effective winter maintenance service it can within the constraints of its finite resources. During severe weather, the Council will endeavour to keep delays to a reasonable minimum.

## **4. Consultation**

### Internal

4.1 There are no major changes proposed to the winter maintenance level of service provision. One proposed operational change is the expansion of using a brine solution to de-ice the north area nightshift carriageway route between Blairgowrie and Perth. As in previous years, elected members have again been given the opportunity to become involved in agreeing the categories with the Roads Maintenance Partnership Manager. The policy also allows unadopted roads with an important community use to be included within the categorisation and is not restricted to adopted roads.

4.2 As local circumstances, and travel patterns change, winter maintenance categories are subject to change and elected members have a role in identifying and agreeing such changes. However the resources available to carry out winter maintenance are finite, so if the relative priority of a road or footway is to be raised then that of another road or footway within a particular Ward must be reduced.

4.3 The Council will always receive complaints about the winter maintenance service due to high public expectations, limited available resources and the vagaries of the weather. A distinction has to be made between complaints related to proven failures to meet the approved level of service and complaints regarding the policy.

4.4 At the end of the 2015 – 2016, winter comments on the winter service provision were invited from elected members and from Community Councils.

4.5 Responses were received from individuals or groups throughout the winter and the table below lists the principal issues raised with appropriate responses alongside. Within available resources, it is possible to address some but not all of these issues.

**2. BACKGROUND PAPERS**

2.1 None.

**3. APPENDICES**

3.1 Appendix 1 - PERIODS OF COVER 2016 / 2017

3.2 Appendix 2a - WINTER MAINTENANCE- LEVEL OF SERVICE & PRIORITY SYSTEMS 2016 / 2017 (CARRIAGEWAYS)

3.3 Appendix 2b - WINTER MAINTENANCE - LEVEL OF SERVICE & PRIORITY SYSTEMS 2016 / 2017 (FOOTWAYS)

3.4 Appendix 3 - Category 1a Carriageway Routes

| Date       | Who                       | Comment                                                                                     | Action                                             |
|------------|---------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------|
| 21/03/2016 | Carse of Gowrie CC        | Abernyte village larger gritter can't get through<br>Shortage of grit bins                  | Supervisor to consider options                     |
| 21/03/2016 | Cllr Alan Grant           | No comments                                                                                 |                                                    |
| 22/03/2016 | Cllr Giacomazzi           | No comments                                                                                 |                                                    |
| 05/04/2016 | Glen Lyon and Loch Tay CC | Gritting and snow plough mainly adequate. Glen Lyon ices and not cleared before school bus, | Reviewed route to improve service.                 |
| 06/04/2016 | Crieff CC                 | Pavement gritting on High Street some morning unsatisfactory.                               | BEAR Scotland issue                                |
| 12/04/2016 | Blackford CC              | Issue with BEAR - asking if we could put them in direction of relevant person to speak to   | Forwarded to BEAR                                  |
| 13/04/2016 | Inchture CC               | Has Orchard Way been added to gritting route?                                               | Yes                                                |
|            |                           | Has Moncur Road been added to gritting route and footway route?                             | Yes                                                |
| 18/04/2019 | Abernethy and District CC | Happy with service - request for grit bin on High St.                                       | As this is category 1 route, no grit bin provision |



### PERIODS OF COVER 2016 / 2017

Instructions on reporting times for Nightshift crews Sunday to Friday, early start crews Monday to Friday and standby crews 7 days per week , will be issued by Roads Maintenance Partnership Staff during the previous day

| Period                              | Standby routes operated   |         |        |                           |           |              |  |  |  |  | Total |
|-------------------------------------|---------------------------|---------|--------|---------------------------|-----------|--------------|--|--|--|--|-------|
|                                     | South                     |         |        |                           |           | North        |  |  |  |  |       |
|                                     | Perth                     | Kinross | Crieff | Blairgowrie               | Aberfeldy | Blair Atholl |  |  |  |  |       |
| (All changes take place at 12 noon) |                           |         |        |                           |           |              |  |  |  |  |       |
| <b>10 October –<br/>16 October</b>  | 1                         | 0       | 1      | 1                         | 0         | 1            |  |  |  |  | 4     |
| <b>17 October –<br/>13 November</b> | 3                         | 1       | 1      | 3                         | 2         | 1            |  |  |  |  | 11    |
| <b>14 November<br/>– 12 March</b>   | 5<br>Plus 1<br>nightshift | 2       | 3      | 5<br>Plus 1<br>nightshift | 2         | 3            |  |  |  |  | 22    |
| <b>13 March -26<br/>March</b>       | 3                         | 1       | 1      | 3                         | 2         | 1            |  |  |  |  | 11    |
| <b>27 March –<br/>9 April</b>       | 0                         | 1       | 1      | 1                         | 0         | 1            |  |  |  |  | 4     |



### WINTER MAINTENANCE- LEVEL OF SERVICE & PRIORITY SYSTEMS 2016 / 2017 (CARRIAGEWAYS)

| Category          | Definition                                                                                                                                                                                                                                                                                                                     | Routes (examples)                                                                                                                                                | Length (km) Indicative Only | Hours of Cover                                                                                                                                    | Service Provided                                                                                                                                                                           |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nightshift routes | The most important strategic routes. City routes plus early morning bus service routes in the Perth area.<br>The A93 South of Blairgowrie, the A94 between Meigle and Perth and the A923 between Blairgowrie and Tullybachtart.                                                                                                | A class roads network and early morning bus routes in the Perth area                                                                                             | 165                         | Sunday to Friday<br>00:00 – 08:00<br>During the full cover period As per category 1a route cover times during lead in and lead out periods        | In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.                                                                                        |
| 1a                | Priority routes.<br>Other strategic routes carrying large volumes of traffic and connecting main centres of population outwith the Perth area                                                                                                                                                                                  | A977, A91, A913, A926, A827 Aberfeldy – Ballinluig A822 Crieff – Greenloaning A924 through Pitlochry                                                             | 110                         | Until 21:00 all days. In the full cover period, complete morning de-icing by 07:30 (09:00 on Sundays and nationally recognised public holidays)   | In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.                                                                                        |
| 1b                | Priority routes.<br>Other strategic routes connecting larger communities and other main rural roads. Roads leading to important or sensitive locations such as hospitals or fire stations.*                                                                                                                                    | A93 Blairgowrie – Glenshee A923 Blairgowrie - Dunkeld A827 Aberfeldy - Killin A822 Crieff - Dunkeld A823 (part), A824 (part), A912 B996, B9097, B9099, B996 etc. | 645                         | Until 21:00 all days. In the full cover period, complete morning de-icing by 07:30 (09:00 on Sundays and nationally recognised public holidays)** | In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.<br><br>In severe snow conditions, Category 1b routes will be treated after Category 1a |
| 2                 | Non priority routes. Minor rural roads serving small settlements or a significant number of rural properties. Secondary distributor/local roads in settlements. Other urban or rural roads with special difficulties such as steep gradients.*                                                                                 |                                                                                                                                                                  | 1310                        | 08:00-15:00 Monday –Friday<br>Excluding public holidays                                                                                           | In ice and snow conditions only, no <u>pre-salting</u>                                                                                                                                     |
| 3                 | Rural roads serving no or small numbers of isolated properties. Local access roads in settlements within easy reach of local distributor roads.                                                                                                                                                                                | This will include most residential streets with only local traffic                                                                                               | 210                         | Not applicable                                                                                                                                    | <u>Not normally treated</u> unless there is hard, packed rutted snow on these roads with road surface temperatures below zero and treatment of all other categories has been completed     |
| 4                 | Rural public roads serving no habitation which because of their altitude, alignment and width cannot reasonably and safely be treated using normal winter maintenance plant.<br><br>Private (unadopted) roads which is not the responsibility of a Council service and which are not considered to have a wider community use. | U159 Kenmore – Garrows (Kenmore Hill).<br>U161 Bridge of Balgae – A827 at Loch Tay.                                                                              | 8<br><br>14                 | Not treated                                                                                                                                       | Not treated.                                                                                                                                                                               |

\* Service Bus routes have been included in categories 1a, 1b & 2 to ensure their comprehensive coverage.

\*\* Light snow to 20mm - 4 hours is the likely minimum treatment time in snow conditions and cannot be regarded as a definitive target.





**WINTER MAINTENANCE - LEVEL OF SERVICE & PRIORITY SYSTEMS 2016 / 2017 (FOOTWAYS)**

| Category | Descriptions                                                                                                                                            | Examples                                                                                                                                                                                                | Length (km) | Hours of Cover                                                               | Service Provided                                                                                                                                          | Response Time                                              | Target Treatment Times (Priority Routes) | Target Post Gritting / Snow Clearance Time |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------|--------------------------------------------|
| 1        | Priority routes. Main shopping areas, main arterial footways, busy feeder footways and footways leading to community centres and centres of employment. | Perth, Aberfeldy, Auchterarder, Blairgowrie, Crieff, Kinross, Pitlochry, Alyth, Bridge of Earn, Coupar Angus, Dunkeld, Luncaity, Milnathort and Scone.                                                  | N/A         | 0630-1800 Mon-Sat<br>0800-1600 Sun and nationally recognised public holidays | In snow and ice conditions                                                                                                                                | 1 hour                                                     | N/A                                      | 6 hours                                    |
| 2        | Priority routes. As above plus Other footways with significant usage.                                                                                   | As above plus Abermethy, Aberuthven, Almondbank, Balbeggie, Bankfoot, Blackford, Braco, Burrelton Caputh, Comrie, Glencarse, Glenfarg, Inchture, Longforgan, Methven, Muthill, Powmill, Meigle, Stanley | N/A         | 08:00-15:00 Monday - Friday                                                  | In snow and ice conditions                                                                                                                                | As soon as possible after Cat 1 routes have been completed | N/A                                      | N/A                                        |
| 3        | Non priority routes. Less well used footways and footways where a feasible alternative route exists                                                     |                                                                                                                                                                                                         | N/A         | 08:00-15:00 Monday - Friday                                                  | Not normally treated. Only treated in prolonged snow and ice conditions if time and resources permit, and after successful treatment of higher priorities | N/A                                                        | N/A                                      | N/A                                        |
| 4        | Footways which are not the responsibility of a Council Service and which are not considered to be important in the footway network                      |                                                                                                                                                                                                         | N/A         | N/A                                                                          | Not treated                                                                                                                                               | N/A                                                        | N/A                                      | N/A                                        |

Lower priority routes will only be treated once the higher priority routes have been treated unless operational factors such as efficient route planning dictate otherwise. No footway treatment on either 25<sup>th</sup> December 2016 or 1<sup>st</sup> January 2017



## Category 1a Carriageway Routes

| Route                                    | Description                                                                                               |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| A822                                     | Crieff to Greenloaning                                                                                    |
| A823                                     | Auchterarder to Junction with A822                                                                        |
| A824                                     | Auchterarder to Aberuthven                                                                                |
| A827                                     | Aberfeldy to Ballinluig                                                                                   |
| A91                                      | Yetts o' Muckart to Strathmiglo (through Kinross)                                                         |
| A911                                     | Kinross to Fife Boundary at Auchmuirbridge                                                                |
| A912                                     | Edinburgh Road, Perth to Fife Boundary                                                                    |
| A913                                     | Aberargie to Newburgh                                                                                     |
| A923                                     | Blairstown to Angus Boundary near Lundie                                                                  |
| A924                                     | Through centre of Pitlochry                                                                               |
| A926                                     | Blairstown to Angus Boundary near Craighton                                                               |
| A93                                      | A94 junction in Perth to Blairstown                                                                       |
| A94                                      | Perth Bridge to Angus Boundary near Meikle                                                                |
| A977                                     | Kinross to Blairingone                                                                                    |
| B954                                     | Alyth to Angus Boundary near Newtyle                                                                      |
| B996                                     | Kinross to Fife Boundary                                                                                  |
| <b>The following roads in Perth City</b> |                                                                                                           |
| A93                                      | Glasgow Road - Broxden to Caledonian Road                                                                 |
| A85                                      | York Place, County Place, South Street, Queens Bridge                                                     |
| A85                                      | Dundee Road - from Toll House, Dundee Road, Gowrie Street, Perth Bridge to Charlotte Street               |
| A85                                      | Barrack St and Dunkeld Road to Crieff Road                                                                |
| A912                                     | Crieff Road - Dunkeld Road to Newhouse Road Roundabout                                                    |
| A989                                     | Dunkeld Road - Crieff Road to Inveralmond Roundabout                                                      |
|                                          | Tay Street, Marshall Place, Kings Place, Leonard Street, Caledonian Road, Atholl Street, Charlotte Street |
|                                          | Newhouse Road, Burghmuir Road, Jeanfield Road, Long Causeway                                              |
|                                          | Manse Road, Hatton Road, Corsie Hill Road, Muirhall Road, Lochie Brae                                     |



**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Auchterarder Community Facilities Fund****Report by Director (Environment)**

This report outlines the procedure for the distribution of the Auchterarder Community Facilities Fund. This was created in line with the Auchterarder Development Framework to assist in delivering projects which would mitigate the impact of the housing development and improve the amenity of the public realm within the settlement boundary of Auchterarder.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Auchterarder Expansion Development Framework (the Framework) was published in February 2008 and adopted by the Enterprise and Infrastructure Committee (Report No. 14/370 refers) as Supplementary Guidance in September 2014. This document set the framework for subsequent planning applications and defined the infrastructure requirements associated with this major expansion to the settlement. It has been acknowledged that the identified scale of development will have an impact on the level of existing services provision provided by community facilities. To mitigate this impact as the development progresses, a contribution of £1,000 per open market housing unit will be made to the Council by the developer up to a total of £600,000.
- 1.2 In line with the Section 75 Legal Agreements which are attached to the consented developments, this fund will be used in relation to '*Community Facilities*' which are defined as '*such public facilities within the settlement boundary of Auchterarder, the provision of which the Council, at their sole discretion, believe would improve the amenity of the public realm, including without prejudice to the foregoing generality, car parking facilities, a public hall, adaption of existing school changing room facilities to permit access to the pitches forming part of the Sports Facilities, a public library, new or enhanced public transport services, improvements to the core path network and recycling facilities.*'

- 1.3 Construction has commenced on sites within the Framework and it is expected that contributions will begin to be transferred to the Council in 2016. An account for the contributions has been set up. In terms of openness and accountability, all contributions will be recorded by developer's name, the site address and planning application reference number to ensure individual contributions can be accounted for. This account is ring-fenced and these contributions will be used in line with the Legal Agreement. Where a contribution has not been used or committed to a project, the developers will be able to reclaim it after a five year period. A report providing details of funding received and spent will be published in April each year.
- 1.4 All contributions will be held by the Environment Service. This report sets out the procedure for identifying and distributing the contributions to appropriate projects which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder. Projects which start within the boundary but extend out with such as core path improvements would be acceptable. The Auchterarder Community Facilities Fund will be available for use on projects being promoted by the Council and voluntary/community organisations. (Appendix 1 under the heading '*Who can apply?*' provides a definition of voluntary/community organisations.)

## **2. PROPOSALS**

- 2.1 As the Legal Agreement is secured through planning legislation, it must conform to the criteria contained in Circular 03/2012. This sets out a number of conditions. In essence, however, the key criterion is that the contributions are used to mitigate the impact of the Auchterarder Development Framework sites. The Council, as Planning Authority, has a duty to ensure that any funds are used for qualifying projects.
- 2.2 On receipt of a valid funding request, the views of the Community Council, Local Members and the Convener of the Enterprise and Infrastructure Committee will be sought as to whether the project meets the defined criteria. Valid is defined as meeting the legal requirements of Circular 03/2012. Where there is general agreement that the funding request be supported and the amount sought is up to £50,000, it is proposed that the decision be delegated to the Director (Environment).
- 2.3 In cases where there is no general consensus or where the amount sought exceed £50,000, a report will be submitted to the first available Enterprise and Infrastructure Committee. All projects will be required to consider a range of funding streams in addition to the Community Facilities Fund. Projects being brought forward with contributions from other funding streams will be able to access gap funding from the Community Facilities Fund.

- 2.4 The Environment Service will continue to hold the contributions and they will be transferred to support appropriate projects which meet the defined criteria. The funding will not be used to fund a single large project but will be spread across a range of projects. Funding cannot be claimed in lieu of funds still to be collected from the developers. All claims should be supported by evidence of expenditure. However, in certain cases, future contributions may be ring-fenced against projects which require additional funding to that received.
- 2.5 Applications for funding are required to meet the following criteria:
- Projects should be located within the settlement boundary of Auchterarder as defined by the adopted Local Development Plan. Projects which start within the boundary but extend outwith such as core path improvements would be acceptable;
  - Projects should be linked to mitigating the impact of the housing within the scope of the Auchterarder Development Framework on the public realm or facilities;
  - Projects should improve the amenity of the public realm or facilities and should consider a range of funding streams in addition to the Community Facilities Fund to ensure maximum value. Money cannot be used for projects which are already fully funded from other sources but can be used to supplement funding already secured.
  - Projects should identify any ongoing maintenance or eventual replacement costs and demonstrate that this can be secured through existing or future budgets.
- 2.6 Appendix 1 attached to this report sets out the Guidance Notes to applicants, the application form along with the draft procedure for applying for funding.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 Through the Auchterarder Development Framework developers recognised that mitigation may be required outwith the immediate Framework boundary which could not be defined at the time of planning consent being granted. To ensure appropriate mitigations can be made, a contribution of £1,000 per housing unit up to a total of £600,000 will be made to the Council. This money will be used over the lifetime of the development to improve the wider public realm or facilities as the demand on these increases.
- 3.2 This fund presents an opportunity to support a range of projects which will benefit the community in Auchterarder. The criteria which will be used to assess the use of the funds and the procedure for the transfer to appropriate projects are set out in this report.

- 3.3 It is recommended that the Committee:
- i) Approve the Auchterarder Community Facilities Fund applications process as outlined in Appendix 1;
  - ii) Request that the Scheme of Delegation is updated to provide delegated powers to the Director (Environment) to approve the transfer of funds to projects which meet the approved criteria up to a maximum of £50,000.
  - iii) Instruct the Director (Environment) to report to Committee any cases where there is no general consensus and any recommendations for approval of funding over £50,000, or where there is no general consensus.
  - iv) Instructs the Director (Environment) to bring back a report providing details of funding received and allocated in April each year.

#### Author

| Name            | Designation          | Contact Details                                                                                    |
|-----------------|----------------------|----------------------------------------------------------------------------------------------------|
| Euan McLaughlin | Developer Negotiator | <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a><br>01738 475000 |

#### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.

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

1.2 It is considered that the strategy and related actions will contribute to the following objectives:

- ii) Developing educated, responsible and informed citizens
- iii) Promoting a prosperous, inclusive and sustainable economy
- v) Creating a safe and sustainable place for future generations

## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. The report impacts on the following:
- (ii) Developing educated, responsible and informed citizens;
  - (iii) Promoting a prosperous, inclusive and sustainable economy;
  - (v) Creating a safe and sustainable place for future generations.

## **2. Resource Implications**

### Financial

- 2.1 The Head of Finance has been consulted in the preparation of this Report. There are no financial implications for the Council arising directly from the recommendations of this Report.
- 2.2 The Auchterarder Community Facilities Fund will be an earmarked Reserve administered by the Council in accordance with the approved Financial Regulations.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 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.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.3 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).

- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and 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 The initiative provides a criteria against which projects will be assessed and the procedure for the transfer towards funding suitable projects. It is not directing development or adding to any other part of the adopted Local Plans or Proposed Plan.

#### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The initiative contained within the report is assessed to not having a direct impact on sustainability. It may help fund projects which do have an impact but will not directly impact itself.

#### Legal and Governance

- 3.7 The Head of Legal and Governance has been consulted and no legal implications have been identified.

#### Risk

- 3.8 This initiative does not raise any significant risk to the Council. The source of funding has been agreed through a Section 75 Legal Agreement and the Council has final say in how it is distributed to identified projects. The main risk is that the lack of fund collection does not allow suitable projects to be supported or that the funds are not used and are returned to the developers after five years.

### **4. Consultation**

#### Internal

- 4.1 The Head of Legal and Governance, the Head of Finance and the Head of Democratic Services have been consulted on the preparation of this report.

### **5. Communication**

- 5.1 Upon agreement of the initiative the Environment Service: Planning will engage with Local Bodies and the Community Council in the Auchterarder area to provide information on the fund and seek views on suitable projects. A report will be submitted to Enterprise & Infrastructure Committee setting out the range of suitable projects which have been identified.

## **2. BACKGROUND PAPERS**

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.

- The Auchterarder Development Framework Supplementary Guidance
- Planning Application 14/02038/FLL
- Planning Application 08/01131/IPM
- Planning Application 08/01133/IPM

## **3. APPENDICES**

- 3.1 Appendix 1 – Guidance Notes to Applicants, The Applications Form which will be submitted to the Council and the Draft Procedure for applying for funding.



**APPLICATIONS FOR FUNDING FROM THE AUCHTERARDER  
COMMUNITY FACILITIES FUND**

**GUIDANCE NOTES FOR APPLICANTS AND APPLICATIONS FORM**

## **BACKGROUND**

The Auchterarder Development Framework will deliver 800 dwellinghouses within Auchterarder. The identified level of development will have an impact on the level of existing services provision provided by community facilities. To mitigate this impact as the development progresses a contribution of £1,000 per unit will be made up to a total £600,000. This money will be used by the Council over the lifetime of the development to improve the wider realm or facilities as the demand on these increases. The Auchterarder Community Facilities Fund will be available for use on projects being promoted by Council Services and voluntary/community organisations which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder.

## **GUIDANCE NOTES**

The Council will consider all applications for funding in line with the essential criteria. Where it is agreed the proposal would support community projects and meet the essential criteria, the Director (Environment) can approve the transfer of contributions up to a maximum of £50,000 per project. Applications for funding for more than £50,000 per project will require Committee approval. Where Committee approval is required this may take up to 4 months, dependent on the Committee cycle.

All contributions received will be spent on projects which improve the amenity of the public realm or facilities within the settlement boundary of Auchterarder. These include, but not exclusively, car parking facilities, public hall improvements, adaption of existing school changing facilities to permit access to pitches forming part of the new Sports Facilities, a public library, new or enhanced public transport services, improvements to the core path network and recycling facilities. This range of community improvements forms the basis of the criteria against which applications for funding from the fund will be assessed.

The funding will not be received by the Council as a lump sum, but will be based upon the sales of each new dwelling within the Development Framework; therefore funds will only be allocated to projects where they have already been collected. The funding will not be used to fund a single large project, but will be spread across a range of projects. A report providing details of funding received and allocated will be published annually in April.

### **Who can apply?**

The Auchterarder Community Fund is available for use on projects being promoted by Council Services and voluntary/community organisations. The definition of a voluntary/community organisation is a body which is led by volunteers, is non-profit distributory, legally independent of the state, and is dedicated to a public good. The funding criteria contained in this guide apply to all local voluntary/community and national voluntary organisations and umbrella organisations requesting financial support from the Auchterarder Community Fund. Applicant organisations would have to demonstrate that they are open to all regardless of religion, race, gender or disability.

### **Specific Notes:**

- Religious organisations: religious organisations will be considered, if they meet the standard conditions, on the basis that the programme offered is sufficiently general in nature to be applicable to a wide cross-section of the population, and of regular and sufficient duration (eg weekly for 2 hours, 36 weeks per year).

- Uniformed organisations: Uniformed organisations can apply where there is provision within a written constitution for equal access and opportunity for individuals as appropriate to the nature of the organisation.
- National organisations: National organisations will be considered, if they are able to identify defined local activities to the reasonable satisfaction of the Council.

### **Criteria For Assessing Applications For Funding**

Applications for funding should meet the following criteria:

1. Projects should be located within the settlement boundary of Auchterarder as defined by the adopted Local Development Plan. Projects which start within the boundary but extend outwith, such as core path improvements, would be acceptable;
2. Projects should be linked to mitigating the impact of the new housing within the scope of the Auchterarder Development Framework on the public realm or facilities;
3. Projects should improve the amenity of the public realm or facilities and should consider a range of funding streams in addition to the Community Facilities Fund to ensure maximum value. Money cannot be used for projects which are already fully funded from other sources. Projects being brought forward with contributions from other funding streams will be able to access gap funding from the Community Facilities Fund.
4. Projects should identify any ongoing maintenance or eventual replacement costs and demonstrate that this can be secured through existing or future budgets.

**AUCHTERARDER COMMUNITY FACILITIES FUND**

**APPLICATION FOR FUNDING**

In order to minimise delays, in processing your application please complete all sections as fully as possible. Plans and or information can be attached in support of the application form.

Name of applicant(s) (to whom funding would be payable)

Project address/location (please attach a location plan)

Project proposal overview

Project output (What is the project seeking to achieve?)

Amount of funding requested

Details of what the funding will be spent on

Summary of any other funding sources which will be used in addition to requested funding

Date by which receipt of funding is preferred

(Applicants will be advised of the timescale for payment of funding and the documentary evidence which will be required once the application has been assessed)



Applications for less than £50,000 will normally be decided within 6 weeks but if an earlier decision is required please indicate the date below. Applications for more than £50,000 will require Committee approval which may take up to 4 months.

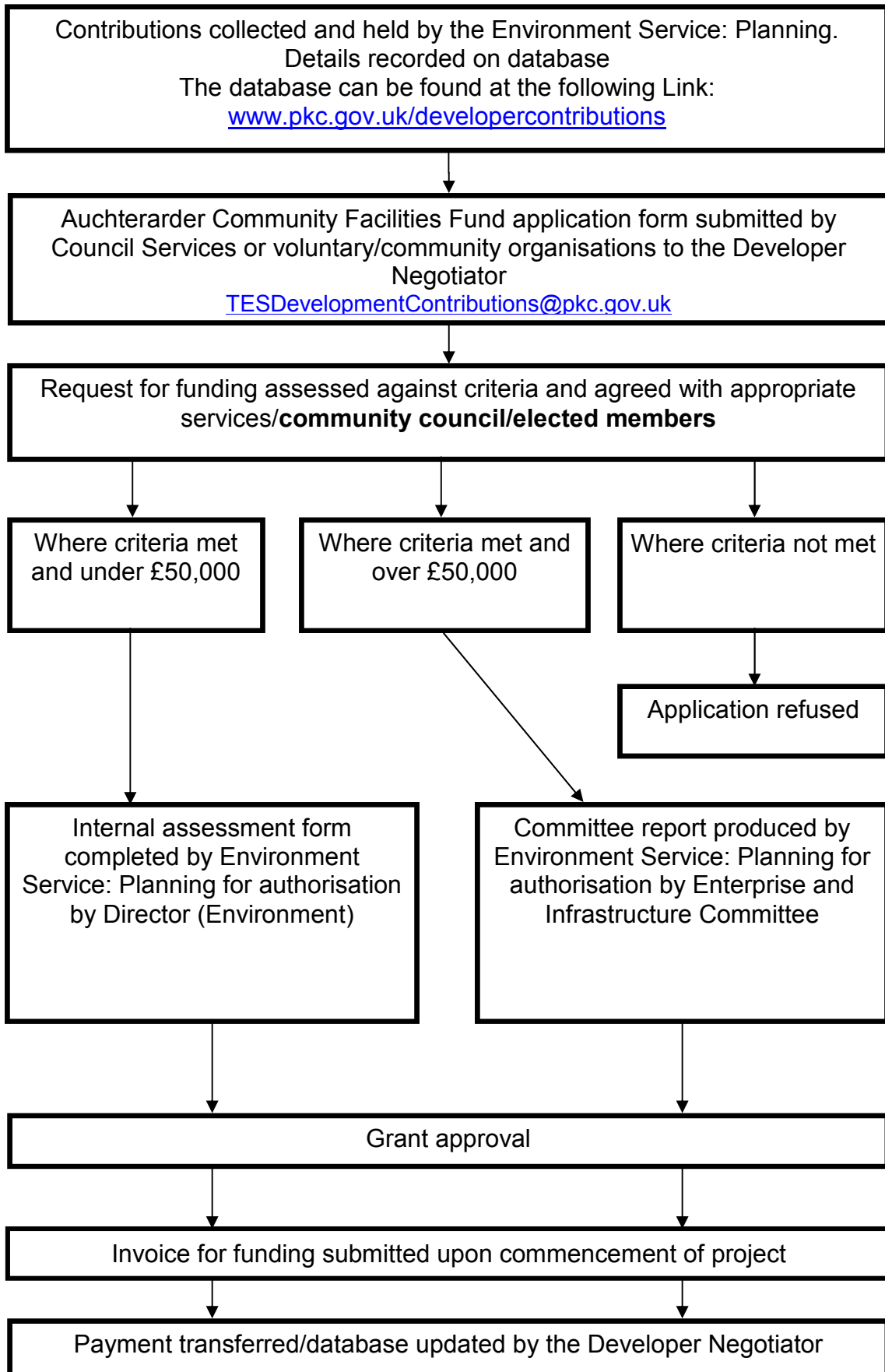
For all applications a **location plan** of the project site should be submitted with the application.

Applications should be preferably be submitted by email to the Developer Negotiator at [TESDevelopmentContributions@pkc.gov.uk](mailto:TESDevelopmentContributions@pkc.gov.uk)

A paper copy of the application together with the accompanying location plan should be sent for the attention of the Developer Negotiator to:

Strategy & Policy Planning  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth, Ph1 5GD

## Auchterarder Community Facilities Fund



**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Delivering Zero Waste Supplementary Guidance****Report by Director (Environment)**

This report provides a summary of the comments received on the Delivering Zero Waste Supplementary Guidance published for consultation in June 2016. It makes recommendations for changes, where appropriate. It seeks consent to finalise and adopt the Supplementary Guidance to support the Local Development Plan (adopted 3 February 2014).

**1. BACKGROUND / MAIN ISSUES**

- 1.1 Under section 22 of the Planning etc. (Scotland) Act 2006 and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Supplementary Guidance can be adopted and issued by a planning authority in connection with a Local Development Plan (LDP). Unlike the LDP which requires to be made available for a period of representation, supplementary guidance is made available for consultation and the comments received are not subject to Examination by a Reporter.
- 1.2 The Delivering Zero Waste supplementary guidance has been prepared to support Policy EP9: Waste Management Infrastructure. The aim of this guidance is to explain the approach taken towards waste within Perth and Kinross and provide guidance to developers on the siting and design of waste management infrastructure. This guidance is aimed primarily at developers, agents and others involved in the preparation of planning applications.
- 1.3 Perth and Kinross has experienced growth for a sustained period of time and the area continues to be one of the fastest growing in Scotland. An increasing population means an increased demand for new housing, employment opportunities and all the associated infrastructure requirements including waste management infrastructure. Local Development Plan Policy EP9: Waste Management Infrastructure protects existing waste management sites and provides guidance on the development of new waste management infrastructure.
- 1.4 The Delivering Zero Waste Supplementary Guidance demonstrates the progress made by Perth and Kinross Council in achieving the aims of enabling those living in the area to lead a Zero Waste Lifestyle. As well as this, it provides a summary of the Waste Management Infrastructure sites within Perth and Kinross, and the current capacity of these sites. Furthermore, the guidance provides information for developers to ensure that the principles of the Zero Waste Plan are incorporated into all new developments.

- 1.5 The LDP sets out a list of Supplementary Guidance to be prepared to support the policies and proposals in the Plan, an updated programme for which was approved by the Enterprise & Infrastructure Committee on 20 January 2016 (Report No. 2/16 refers). As part of this programme, the Delivering Zero Waste Supplementary Guidance was consulted on from 3 June – 15 July 2016. This report considers the comments that were received and suggests changes to the Guidance, where considered appropriate.
- 1.6 The Chief Planner wrote to all Heads of Planning on 15 January 2015 suggesting that there needs to be a different approach taken towards supplementary guidance. His letter advises that local authorities are taking different approaches to supplementary guidance, not all of which are appropriate. It states that it is “essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance”. Having reassessed this proposed supplementary guidance, we are confident that it complies with the Chief Planner’s advice. It is referred to specifically within the Plan and provides further guidance in respect of certain policies in the Plan.

## **2. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES**

- 2.1 The consultation period for the supplementary guidance was advertised in the local press and information was posted on the Council’s website and on the Council’s social media sites. All those who made representations to policy EP9 through the LDP examination process were notified, as were all Community Councils.
- 2.2 4 responses were received to this consultation exercise, containing 17 comments. Respondee include members of the public, Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). The comments received are summarised in Appendix 1. Although a small number of responses were received, the comments were generally very useful and have helped shape the final document, allowing a small number of modifications and improvements to be made. The Zero Waste Guidance can be found in appendix 2.
- 2.3 Overall support was received for the Delivering Zero Waste Supplementary Guidance, with a few minor modifications to ensure policy references were accurate and referred to the most up to date legislation and guidance.
- 2.4 Appendix 1 provides a more detailed summary of all the consultation responses and the recommended Council response to them.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 This report considers the changes that are suggested to Delivering Zero Waste Supplementary Guidance as a result of public consultation. Following consideration of this report, the guidance will be finalised and submitted to Scottish Ministers. On completion of this process, the guidance will become statutory policy and have the same status as the Local Development Plan.

3.2 It is recommended that the Committee:

i) Approves the Delivering Zero Waste Supplementary Guidance, with the changes proposed for acceptance in Appendix 1, as a key policy document to support the Local Development Plan;

ii) Remits the Director (Environment) to finalise the Supplementary Guidance and submit it to Scottish Minister prior to adoption;

iii) Remits the Director (Environment) to approve minor changes to the Supplementary Guidance, if requested by Scottish Ministers and proceed to adoption.

#### Author

| Name            | Designation                                    | Contact Details                                                                                      |
|-----------------|------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Rhiannon Moylan | Assistant Planning Officer – Development Plans | 01738 475000<br><a href="mailto:TESCommitteeServices@pkc.gov.uk">TESCommitteeServices@pkc.gov.uk</a> |

#### Approved

| Name           | Designation            | Date          |
|----------------|------------------------|---------------|
| Barbara Renton | Director (Environment) | 9 August 2016 |

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

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

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

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

- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

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

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

## **2. Resource Implications**

### Financial

2.1 There are no direct financial implications arising from this Report.

### Workforce

2.2 None.

### Asset Management (land, property, IT)

2.3 None.

## **3. Assessments**

3.1 An Integrated Appraisal of both the Delivering Zero Waste Supplementary Guidance has been undertaken using the Integrated Appraisal Toolkit which combines the functions and requirements of Equality Impact Assessment, Sustainability Assessment and the pre-screening / screening for Strategic Environmental Assessment.

### Equality Impact Assessment

3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.3 The Delivering Zero Waste Supplementary Guidance was considered under the provisions of the Equality Act 2010 using the Integrated Appraisal Toolkit with the following outcome:

- (i) Assessed as relevant and the following positive outcomes expected following implementation:
  - The Supplementary Guidance supports the land use policies and proposals of the LDP. The implementation of the Guidance is not determined by a person's race, gender, disability or any other protected characteristic. The benefits of both guidance documents will be equally accessible to all and therefore the Guidance should have neutral impact on the population in terms of equality.

### Strategic Environmental Assessment

3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

- 3.5 This section should reflect that the proposals have been considered under the Act and no action is required. The Supplementary Guidance presented in this report has previously been screened and proposed changes are of a technical nature and will not change the content of the documents in line with the Environmental Assessment (Scotland) Act 2005.

#### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.7 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and the Climate Change Act using The Integrated Appraisal Toolkit. The Supplementary Guidance, which supports the policy framework set out in the Local Development Plan, which seeks to achieve sustainable development and reduce the impact of climate change through its emerging vision, strategies, policies and proposals, will have a further positive impact on sustainable development and climate change.

#### Legal and Governance

- 3.8 None.

#### Risk

- 3.9 None.

### **4. Consultation**

#### Internal

- 4.1 The Waste Services team has been consulted, and provided comments on this guidance document.

#### External

- 4.2 A full public consultation has been undertaken in the preparation of the supplementary guidance considered in this report. Feedback was received from the public, SNH and SEPA.

### **5. Communication**

- 5.1 None.

## **2. BACKGROUND PAPERS**

- 2.1 Local Development Plan February 2014



2.2 Local Development Plan Strategic Environmental Assessment

2.3 Letter form the Chief Planner

**3. APPENDICES**

3.1 Appendix 1: Comments Received on Delivering Zero Waste Supplementary Guidance

3.2 Appendix 2: Delivering Zero Waste Supplementary Guidance



## Comments received on Delivering Zero Waste Supplementary Guidance

### Acronyms

EIA – Environmental Impact Assessment  
 LDP – Local Development Plan  
 PKC – Perth and Kinross Council  
 SEPA – Scottish Environmental Protection Agency  
 SG – Supplementary Guidance  
 SNH – Scottish Natural Heritage  
 SPP – Scottish Planning Policy  
 ZWP – Zero Waste Plan

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Received from        | PKC Officer response                                                                                                                  | Change to be made to guidance |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Introduction                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                      |                                                                                                                                       |                               |
| General support for the Supplementary Guidance                                                                                                                                                                                                                                                                                                                                                                                                                       | Member of the Public | Noted                                                                                                                                 | No                            |
| Utilise definition from the Scottish Government's Making Things Last – A Circular Economy Strategy for Scotland <a href="http://www.gov.scot/Resource/0049/00494471.pdf">http://www.gov.scot/Resource/0049/00494471.pdf</a>                                                                                                                                                                                                                                          | PKC Waste Services   | We welcome the comments made through this consultation. We will update the definition taking into consideration the Circular Economy. | Yes                           |
| We strongly support its aims of enabling those living in Perth and Kinross to lead a zero waste lifestyle and the aspirations of creating a circular economy. Reduced reliance on virgin materials will not only cut waste and carbon emissions but can also deliver benefits for biodiversity through reduced pollutant loads and deceleration of the conversion of natural habitats                                                                                | SNH                  | Noted.                                                                                                                                | No                            |
| Second sentence should note that it also encourages those who work (not just live) in the area to lead a zero waste lifestyle.                                                                                                                                                                                                                                                                                                                                       | Binn Group           | The guidance will be amended to include those who live work and visit Perth and Kinross as this is in line with the LDP.              | Yes                           |
| Whilst we respect the need to keep the guidance light and fairly simple, we would suggest that this section on the circular economy would benefit from an appreciation of the use of resources and why a circular resource use system is of benefit. To this end, we suggest the above sentence could be drafted as follows to better represent the important use of secondary resources in the development of a more circular economy: Throughout Perth and Kinross | Binn Group           | We welcome the comments made through this consultation. We will update the definition taking into consideration the circular economy. | Yes                           |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Received from      | PKC Officer response                                                                                                                                                                                                                                                  | Change to be made to guidance |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>we emphasise the importance of creating a circular economy, which recognises the value of secondary resources and waste <b>infrastructure</b> to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants <b>and where secondary resources are increasingly linked to beneficial secondary uses to derive local, regional and national sustainable economic benefits.</b></p> | Binn Group         | We do not feel the need to change this section of the guidance. The guidance states the importance of a circular economy and allowing people to live a zero waste lifestyle and the policy position currently support this in appropriate locations (see policy EP9). | No                            |
| <p>This early section should go further and actively make clear that the Council will actively encourage the location of circular economy, remanufacturing and advanced recycling businesses in the area at a time of significant growth potential in this sector. See comments below on Sites for Waste Management in Perth and Kinross - page 10.</p>                                                                                                                                           | Binn Group         | We do not feel the need to change this section of the guidance. The guidance states the importance of a circular economy and allowing people to live a zero waste lifestyle and the policy position currently support this in appropriate locations (see policy EP9). | No                            |
| <b>Background</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |                                                                                                                                                                                                                                                                       |                               |
| <p>Highlight the interaction, between the Zero Waste Plan and the Scottish Government's Making Things Last – A Circular Economy Strategy for Scotland.<br/><a href="http://www.gov.scot/Resource/0049/00494471.pdf">http://www.gov.scot/Resource/0049/00494471.pdf</a><br/>And the Waste (Scotland) Regulations 2012</p>                                                                                                                                                                          | PKC Waste Services | This guidance document will be referenced within the Supplementary Guidance.                                                                                                                                                                                          | Yes                           |
| <p>Now replaced by the circular,economy model. See page 6 of the Scottish Governments Making Things Last – A Circular Economy Strategy for Scotland.<br/><a href="http://www.gov.scot/Resource/0049/00494471.pdf">http://www.gov.scot/Resource/0049/00494471.pdf</a></p>                                                                                                                                                                                                                          | PKC Waste Services | It is our understanding that the Waste Hierarchy has not been replaced. Instead the waste hierarchy and the idea of a circular economy work together to reduce overall waste in Perth and Kinross.                                                                    | No                            |
| <p>The draft supplementary guidance (SG) states on page 6 that there are five policies within the adopted LDP which refer to waste. However, this should be expanded to include reference to Policy ED1A part e which identifies that proposals for waste management facilities can be considered acceptable in employment and mixed use areas subject to detailed site specific considerations.</p>                                                                                              | SEPA               | The guidance will be amended to include this policy.                                                                                                                                                                                                                  | Yes                           |
| <p>Para 1 at top of second column. Suggest amendment to: By working collaboratively with Local Authorities <b>and businesses</b> it aims to develop a consistent education and</p>                                                                                                                                                                                                                                                                                                                | Binn Group         | The guidance will be amended to include businesses.                                                                                                                                                                                                                   | Yes                           |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Received from      | PKC Officer response                                                                                                                                                  | Change to be made to guidance |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| awareness programme and develop schemes to drive reductions in waste and increase recycling rates.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                                                                                                                                                                       |                               |
| There is a typing error in the final paragraph of page 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Binn Group         | Noted, this will be corrected.                                                                                                                                        | Yes                           |
| A link could be added here to Scotland's new plan on the Circular Economy – Making Things Last – A Circular Economy Strategy for Scotland.<br><a href="http://www.gov.scot/Resource/0049/00494471.pdf">http://www.gov.scot/Resource/0049/00494471.pdf</a>                                                                                                                                                                                                                                                                                                                                                   | Binn Group         | This guidance document will be referenced within the Supplementary Guidance.                                                                                          | Yes                           |
| How Much Waste Is Generated In Perth And Kinross?<br>The figures quoted only relate to household waste generated in Perth and Kinross and collected by Perth and Kinross Council. The data needs to take cognisance of all waste generated in the Perth and Kinross area including commercial and industrial, construction and demolition etc. This information can be found via SEPA:<br><a href="http://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/waste-data-for-scotland/">http://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/waste-data-for-scotland/</a> | PKC Waste Services | The data used in this piece of guidance was provided by SEPA through the interactive waste data tools. The data will be updated to cover a wider range of waste data. | Yes                           |
| It is not helpful to only address household waste metrics. This gives only a partial view and the reader will remain largely unsure of the other part of the picture. We think it is crucial that this page represents all waste arisings in the area. On what basis of logic do we only focus on household waste? The page is headed 'How Much Waste is Generated in Perth and Kinross?', but then completely fails to answer its own question.                                                                                                                                                            | Binn Group         | The data will be updated to cover a wider range of waste data.                                                                                                        | Yes                           |
| Waste Management Infrastructure In Perth And Kinross<br>Page 8 mentions Binn landfill is still open with capacity. This site closed on 30 September 2014, therefore there are no operational landfill sites in Perth and Kinross. Binn Farm is also now operating a solid recovered fuel facility from the Binn Farm site. It would be best to update the table with more recent data. SEPA should be able to provide this through records of Waste Management activities subject to pollution, prevention and control, waste management license or holding exemptions.                                     | PKC Waste Services | The information regarding Binn farm will be updated accordingly.                                                                                                      | Yes                           |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Received from      | PKC Officer response                                                                                                                                                                                                                                                                                                                                                         | Change to be made to guidance |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>On page 8, it is stated that there is currently a landfill in operation at Binn farm. The site is still permitted by us however approximately 2 years ago the site ceased accepting waste, with the exception of inert materials for restoration purposes. We are unaware of any proposal to alter this position. We recommend that contact is made with your waste management colleagues with regards landfill capacity in Perth and Kinross Council Area and that the text of this SG is updated.</p>                                                                                                                                                          | SEPA               | The information regarding Binn farm will be updated accordingly.                                                                                                                                                                                                                                                                                                             | Yes                           |
| <p>The document states that there is currently only one landfill site in operation in Perth and Kinross at Binn Farm, this site still has capacity for 687,255 tonnes of waste. It should be noted that the above statement is incorrect. Binn Farm landfill closed to waste on 30 September 2014 and despite the landfill having some capacity remaining, the continued operation of the landfill had become economically unviable, due to the increased rates of recycling and recovery of waste. As a result, SUEZ recycling and recovery UK are now only importing soils and inert wastes to facilitate the restoration of the site to a suitable landform.</p> | Suez               | The information regarding Binn farm will be updated accordingly.                                                                                                                                                                                                                                                                                                             | Yes                           |
| <p>The first para of page 8 states there is only 1 landfill in PKC and describes the capacity as over 687,000 tonnes. This site closed in October 2015.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Binn Group         | The information regarding Binn farm will be updated accordingly.                                                                                                                                                                                                                                                                                                             | Yes                           |
| <p>It is not clear from the infrastructure table what the actual types of infrastructure are. For example there is no mention of material reclamation facilities. Metal recyclers are noted but plastic recyclers are not for example. The way the guidance represents infrastructure needs to be re-thought. The representation of infrastructure on the map would suggest that the Binn site is only a landfill. This highlights the inadequacy of the design and information content of this page.</p>                                                                                                                                                           | Binn Group         | This data within this table was provided by SEPA (2014) through the Waste Data interactive tool. SEPA is responsible for reporting national waste statistics to the Scottish Government and European Union among others.<br><br>We are content with the way this data is presented as it contains all the information available to us through SEPA and the waste data tools. | No                            |
| <b>Sites For Waste Infrastructure In Perth And Kinross</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                                                                                                                                                                                                                                                                                                                                                                              |                               |
| <p>Restoration and aftercare needs to take account of the recent SEPA consultation on financial provision for waste</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PKC Waste Services | The section detailing restoration and after care has been written in consultation with SEPA who are content                                                                                                                                                                                                                                                                  | No                            |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Received from | PKC Officer response                                                                                | Change to be made to guidance |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------|-------------------------------|
| <p>management activities. It was proposing to change the way in which SEPA calculate financial liability for waste management sites and how they require applicants to demonstrate adequate financial provision for waste management activities.</p> <p>The current status of this can be found by contacting: Chris <a href="mailto:Daily_03000996699_waste@sepa.org.uk">Daily_03000996699_waste@sepa.org.uk</a></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |               | (with the exception of minor rewording) with our position.                                          |                               |
| <p>We object to the fact that the first sentence on page 9 because as drafted it does not accord with the policy coverage in EP9 as it states that the Council does not believe there is a need for further waste management sites in the Council area.</p> <p>Policy EP9B identifies that development of waste management infrastructure will be supported by the plan where the proposals accord with the principles of the ZWP and make a positive contribution to the provision of a network of waste management installations, in addition to a number of other aspects.</p> <p>The ZWP sets out, on page 11, that we must continue to pursue other treatment approaches to recover greater value from the resources we use in addition to recycling performance improving. Paragraph 176 of SPP also states that the planning system should support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing.</p> <p>Therefore, as the guidance is to expand on policy EP9, the wording in the SG should reflect the flexibility provided in the policy coverage and the fact that new waste management infrastructure may be appropriate for new technologies in this evolving industry as well as established waste management processes. With regards</p> | SEPA          | The section will be reworded to clarify the Council's position in line with SEPA's recommendations. | Yes                           |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Received from      | PKC Officer response                                                                                                                                                                                                                                                                              | Change to be made to guidance |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>established waste management processes identified in the table on page 8 of the draft SG it is noted that the capacity available within the Council area could well alter due to commercial decisions and therefore additional sites may also be required in the future to maintain the network of installations. We would be happy to revise our position on receipt of an amended draft of the SG which accounts for Policy EP9.</p>                                                           | PKC Waste Services | This section will be reworded to clarify the Council's position. We are not allocating future sites for waste infrastructure within the next LDP, instead we are emphasising the importance of encouraging flexibility as established in policy EP9. This is in line with SEPA's recommendations. | Yes                           |
| <p>The determination as to whether or not infrastructure is required needs to be taken on the mass balance of waste generated in Perth and Kinross, flowing into it, being treated here and flowing out of the area. This needs to be based on appropriate data sets (see comments on Page 7 &amp; 8). The requirement for waste infrastructure also needs to take account of future waste growth which is linked to household, commercial and industrial growth in the Perth and Kinross area.</p> | SEPA               | Noted                                                                                                                                                                                                                                                                                             | No                            |
| <p>We support the commitment on page 9 to safeguard land around existing waste management sites for expansion of waste management operations.</p>                                                                                                                                                                                                                                                                                                                                                   | SEPA               | Noted                                                                                                                                                                                                                                                                                             | No                            |
| <p>We support the link on page 11 to the forthcoming SG on renewable Energy</p> <p>With regards the text on restoration and aftercare on page 11, the text in the second paragraph could be expanded to clarify that it is the pollution, prevention and control permit conditions that are referred to and an amendment from "then this will be reviewed" to "then financial provision will be reviewed.</p>                                                                                       | SEPA               | The wording here will be amended accordingly.                                                                                                                                                                                                                                                     | Yes                           |
| <p>In terms of restoration and aftercare of waste management sites (p11), as a general principle we recommend that restoration includes habitat creation/enhancement, and provides connectivity with surrounding habitat networks.</p>                                                                                                                                                                                                                                                              | SNH                | The wording here will be amended to include habitat creation/enhancement and connection to surrounding habitat networks.                                                                                                                                                                          | Yes                           |
| <p>The final bullet point in particular needs to take cognisance of SEPA's Thermal Treatment of Waste Guidelines 2014: <a href="http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf">http://www.sepa.org.uk/media/28983/thermal-treatment-of-waste-guidelines_2014.pdf</a></p>                                                                                                                                                                                        | PKC Waste Services | The guidance will be amended to include reference to these guidelines.                                                                                                                                                                                                                            | Yes                           |



| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Received from      | PKC Officer response                                                                                                                                                                                          | Change to be made to guidance |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>The EP9 policies are those derived from the draft LDP presumably.</p> <p>In this case it would be useful to have a policy that was specifically focused on the development of circular economy processes beyond the actual material processing stages. This should focus on encouraging activities that utilise recovered materials for the manufacture of new products and on the emerging concept of remanufacturing (an advanced and more industrial form of re-use). In this respect these types of businesses should be allowed with a relaxation of the part of the EP9 policies (as set out in the 9th indent as follows):</p> <ul style="list-style-type: none"> <li>The proposal is located close to an existing waste management installation and/or within an area identified within the plan for existing and new uses;</li> </ul> <p>Perth and Kinross by its geography is actually an ideal location for the development of these new advanced circular economy concepts and should proactively encourage such developments as a means of growing the local PKC economy.</p> | Binn Group         | Policy EP9 is an adopted policy within the LDP. At this stage we are not proposing to redraft the policies within the LDP. However these comments will be considered in the preparation of the proposed plan. | No                            |
| Can we ask for sight of this supplementary guidance on Renewable Energy once it is ready for consultation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Binn Group         | Yes we will be conducting a public consultation on this guidance before it is formally adopted.                                                                                                               | No                            |
| <b>Waste Infrastructure In New Developments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                                                                                                                                                                                                               |                               |
| This connects day-to-day operational perspective with driving up recycling rates, therefore we would propose including the Waste Services planning guidance as an appendix to this document and specifically this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PKC Waste Services | Reference to this has been included within the guidance.                                                                                                                                                      | Yes                           |
| We support the link to the Sustainable Design and Zero Carbon Development SG to ensure readers are aware that there is guidance available with regards minimising waste and maximising recycling during construction and operation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | SEPA               | Noted.                                                                                                                                                                                                        | No                            |





# Delivering Zero Waste Supplementary Guidance

June 2016

Perth & Kinross Council - The Environment Service



# INTRODUCTION

## Why is this guidance needed?

This guidance expands on The Local Development Plan 2014 policy EP9: Waste Management Infrastructure. This guidance will explain the approach taken towards waste within Perth and Kinross and provide guidance to developers on the siting and design of waste management infrastructure.

## Who is this guidance for?

This guidance is aimed primarily at developers, agents and others involved in the preparation of planning applications.

## What are the aims of this guidance?

This guidance will support the policies within the Local Development Plan (LDP). It will demonstrate the progress made by Perth and Kinross Council in achieving the aims of enabling those who choose to live, work and visit the area to lead a Zero Waste Lifestyle. As well as this it will provide a summary of the Waste Management Infrastructure sites within Perth and Kinross, and the current capacity of these sites. Furthermore the guidance will provide information for developers to ensure that the principles of the Zero Waste Plan are incorporated into all new developments.

## What is the status of this guidance?

This guidance will become statutory supplementary guidance and form part of the Local Development Plan. It will be used alongside the policies of the Local Development Plan and the Strategic Development Plan (TAYplan) to assess development proposals.

## What do we mean by Zero Waste?

A key theme which is repeated throughout this guidance is the shift towards a Zero Waste Lifestyle. By this we mean that we are looking towards creating a change in how people view waste. We will highlight the importance of firstly reducing waste, then reusing it and finally recycling with the aim of sending as little waste as possible to landfill.

Throughout Perth and Kinross we emphasise the importance of creating a circular economy which recognises the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants.

## BACKGROUND

### Zero Waste Plan 2010

Scotland's Zero Waste Plan is the National Waste Management Plan for Scotland and is required by the revised EU Waste Framework Directive (2008/98/EC) and the National Waste Management Plan for Scotland Regulations 2007. The Zero Waste Plan sets out a vision for Scotland which describes:

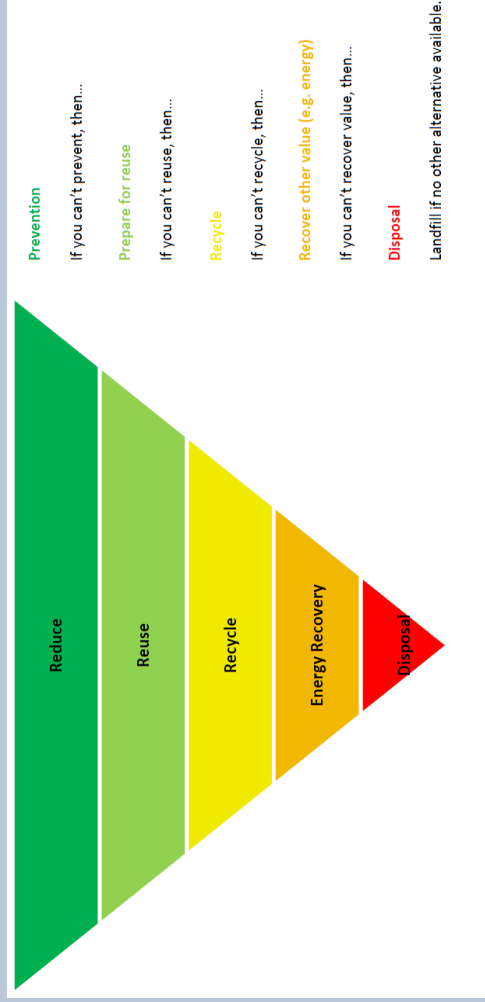
*“a Scotland where resource use is minimised, valuable resources are not disposed of in landfills, and most waste is sorted into separate streams for reprocessing, leaving only limited amounts of waste to go to residual waste treatment, including energy from waste facilities.”*

The four main goals of the Zero Waste Plan are:

- To meet the Target of 70% recycling and maximum 5% to landfill by 2025 for all Scotland's waste;
- Introducing Landfill bans for specific waste types;
- Encouraging source segregation and separate collection of specific waste types;
- Restrictions on inputs to energy from waste facilities utilising re-source streams which cannot practicably offer greater environmental and economic benefits through reuse or recycling.

The Zero Waste Plan seeks to change people's attitudes towards waste. By working collaboratively with Local Authorities and businesses it aims to develop a consistent education and awareness programme and develop schemes to drive reductions in waste and increase recycling rates.

### The Waste Hierarchy



The Zero Waste Plan sets out the Waste Hierarchy which was introduced through the European Waste Framework Directive. The Hierarchy focuses on prevention of waste as the highest priority followed by reuse, recycling recovery of other value (e.g., energy), with disposal as the least desirable option.

More detail on the preferred means of waste management for different types of waste can be found within [Scottish Governments guidance on the waste hierarchy](#).

# BACKGROUND

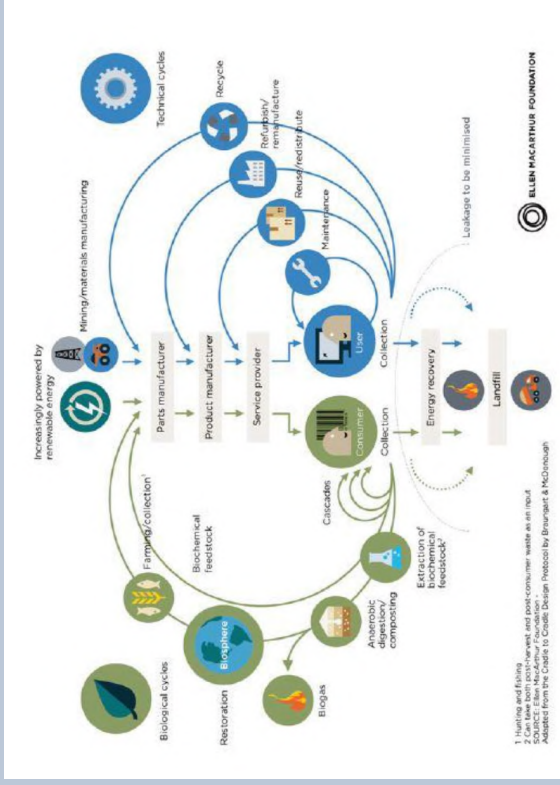
## Circular Economy

The Zero Waste Plan highlights the economic benefits that can be achieved through the reuse of waste and highlights the importance of creating a Circular Economy within Scotland. The circular economy is where products and materials are kept in high value use for as long as possible. A more circular economy will benefit:

- The Environment - cutting waste and carbon emissions and reducing reliance on scarce resources
- The Economy — by improving productivity, opening up new markets and improving resilience
- Communities – more, lower cost options to access the goods we need with opportunities for social enterprise and Encourage UK manufacturing

A circular economy focuses on ways in which waste can be used as a resource. Instead of creating products which will be thrown away there is a greater focus on the reuse of products.

|                              |                                                              |                                                                                                                                                                                                                                                               |
|------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Avoiding rising costs</b> | Competition for resources<br>Cost of resources               | Estimated that 3 billion new wealthier consumers will enter the consumer market in the next 25 years, placing further pressures on finite resources. Prices for raw materials are escalating and more volatile as demand increases and production costs rise. |
| <b>Reducing costs</b>        | Supply chain efficiencies<br>Product design                  | Straightforward resource efficiency measures could save the Scottish Economy £2.7 billion, over half of which for businesses. Up to 80% of the materials used in manufacturing products end up as waste.                                                      |
| <b>Generating revenue</b>    | Envgoods and services market<br>Consumer pull for innovation | The global market for low carbon goods and services was over £3 trillion in 2007-2008. The UK industry employs 880,000 people. Change in buying habits                                                                                                        |
| <b>Protecting revenue</b>    | Changing consumer trends<br>Environmental regulation         | As resources are constrained companies can protect revenue by closely examining and responding to shifts in consumer attitudes and pre-empting regulatory pressures.                                                                                          |



The multiple economic benefits of reducing waste, treating waste as a resource and promoting a circular economy are highlighted above. Further guidance on this is provided within the Scottish Governments Guidance on applying the waste hierarchy (2013).

This approach to waste suggests that reuse should be considered at the beginning of the process and, through careful design, the aim is to create products that can be reused and recycled to get the maximum benefit from the product. Businesses are encouraged to use resources more sustainably and minimise waste which will reduce their costs and ensure they can operate more efficiently and cost effectively.

More detail on the circular economy can be found within the [Scottish Government's Making Things Last Document](#).

# BACKGROUND

## National Planning Context

National Planning Framework 3 recognises that waste is a resource and an opportunity, and SPP highlights the influence planning can have on delivering a zero waste economy by supporting the provision of facilities and infrastructure.

Both guidance documents emphasise the need to waste as little as possible and recognise that every item and material, either natural or manufactured, is a resource which has value for our economy in line with the Zero Waste Plan.

Scottish Planning Policy suggests that the planning system should:

- Promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- Support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing and;
- Help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

## Development Plan Context

The Development Plan for Perth and Kinross consists of two key documents; the Strategic Development Plan (TAYplan) and the Perth and Kinross Local Development Plan. These plans guide development within the area and create a vision for Perth and Kinross.

## TAYplan

TAYplan is the Strategic Development Plan for the Tayside city-region. TAYplan sets out the land use planning policies to guide where development should and should not go over the next 20 years. It considers the big, long term issues which affect the whole TAYplan city-region; including climate change, the scale of housing and population change, infrastructure planning and sustainable economic growth.

The LDP conforms with the Strategic Development Plan highlighting development sites and providing detailed policy guidance that is specific to the Perth and Kinross area.

TAYplan highlights the need to shift to a low carbon and zero waste economy emphasising the need to use our land and resources more efficiently. It highlights the need to ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

# BACKGROUND

Policy 6 of the approved TAYplan 2012 highlights TAYplan policy position with regards to Zero Waste.

**Policy 6: Energy and Waste/Resource Management Infrastructure**

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets:

- A. Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).
- B. Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).
- C. Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:
  - The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
  - Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
  - Proximity of resources (e.g. woodland, wind or waste material), and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
  - Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on off-site properties;
  - Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
  - Impacts of associated new grid connections and distribution or access infrastructure;
  - Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
  - Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
  - Consistency with the National Planning Framework and its Action Programme.

## Perth and Kinross Local Development Plan 2014

The Local Development Plan (LDP) was adopted in February 2014. This LDP is a statutory document that guides all future developments and use of land. It acts as a catalyst for changes and improvements in the area and shapes the environment and economy of Perth and Kinross. Part of the vision statement for the LDP refers to the need to live a Zero Waste Lifestyle.

*“We want to put a Plan in place that will enable us to live a Zero Waste lifestyle, maximising the value from waste resource.”*

The LDP provides clear guidance on what development will or will not be allowed and where and there are six policies within the LDP that refer to waste and the Zero Waste Plan.

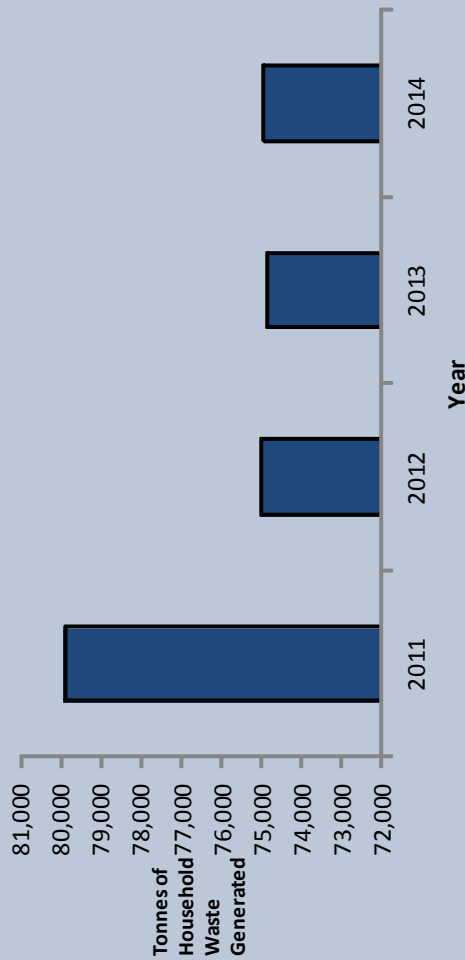
- ER1—this policy focuses on renewable and low carbon energy generation. It covers energy from waste and refers to the upcoming supplementary guidance on renewables.
- ER4C—suggests that minerals and other extractive development should minimise the production of waste.
- EP1—this policy focuses on the construction industry and the importance of using sustainable materials and reducing waste.
- EP9— This policy specifically relates to Waste Management Infrastructure and provides a criteria to assess new waste management infrastructure proposals.
- EP10— this policy focuses on the recycling and processing of inert construction waste.
- ED1A—this policy states that waste management site could be considered acceptable in employment and mixed use areas subject to site specific considerations.



# HOW MUCH HOUSHOLD WASTE IS GENERATED IN PERTH AND KINROSS?

## How much Household Waste is Generated in Perth and Kinross?

Data for household waste within Perth and Kinross shows a decline from 2011, after the introduction of the Zero Waste Scotland Regulations.

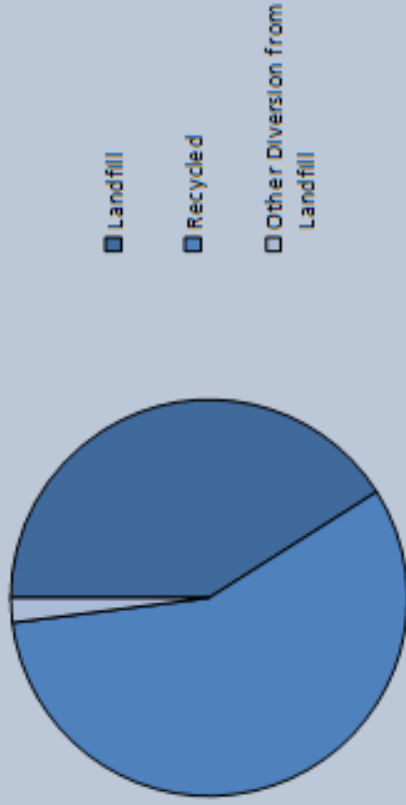


In 2014 the average person in Perth and Kinross generated **503kg** of household waste. That's the equivalent to the weight of 6 and a half people.

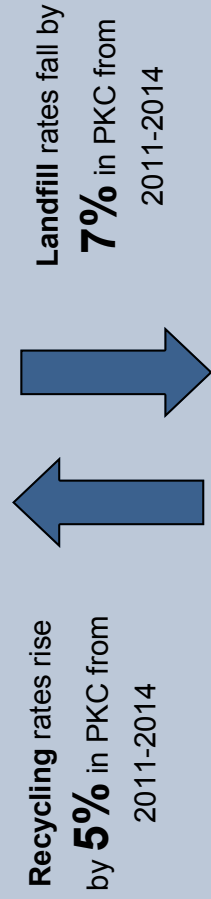


## How is Household Waste Treated in Perth and Kinross?

In 2014 57% of household waste generated in Perth and Kinross was recycled. And only 41% was sent to landfill, all other waste was either sent for



Throughout Perth and Kinross Recycling rates are increased and landfill rates are decreasing. A similar trend can be seen throughout Scotland. Recycling rates have risen throughout the whole of Scotland by 3% since 2011, and Perth and Kinross has seen a 5% increase in recycling rates since 2010.



Data provided by SEPA, 2014 through the Household Waste Discover Data Tool.

# HOW MUCH TOTAL WASTE IS HANDLED IN PERTH AND KINROSS?

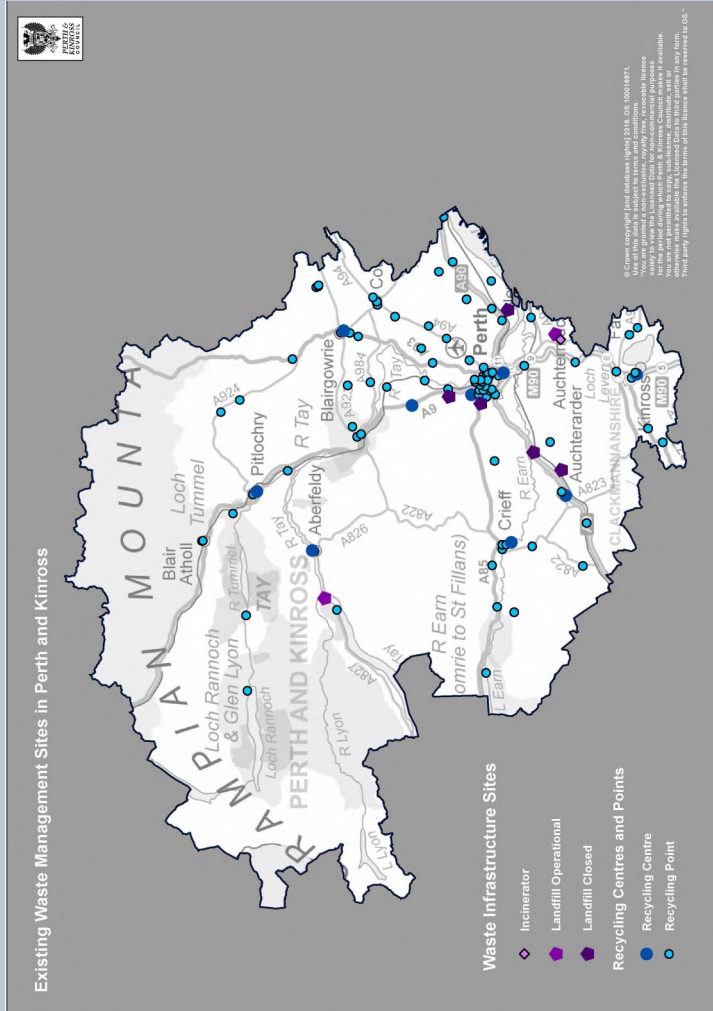
| Site Name and or Address                                                  | Licensed Waste Types |            |            |         | Total Waste Handled 2014 (tonnes) |       |                      |                                  |                         |
|---------------------------------------------------------------------------|----------------------|------------|------------|---------|-----------------------------------|-------|----------------------|----------------------------------|-------------------------|
|                                                                           | Household            | Commercial | Industrial | Special | Special Asbestos                  | Inert | Waste Inputs to Site | Waste Treated/ Recovered on site | Waste Outputs from Site |
| Binn Farm, Glenfarg                                                       | ✓                    | ✓          | ✓          |         |                                   |       | 38,790.90            | 35,174.62                        | 22,526.40               |
| WEEE Recycling Facility, Friarton, Perth                                  | ✓                    | ✓          |            | ✓       |                                   |       | 25,914.91            | 25,914.91                        | 25,578.44               |
| Binn Farm Landfill, Sita, Binn Farm, Glenfarg, Perth                      | ✓                    | ✓          | ✓          |         | ✓                                 |       | 110,756.12           | 0.00                             | 31,693.62               |
| David Band Metals Ltd ELV/MR, Shore Road, Perth                           |                      | ✓          |            |         |                                   |       | 2,368.00             | 0.00                             | 2,343.00                |
| Dalcrue Auto Salvage ELV/MR, Dalcrue, Methven                             |                      | ✓          |            |         |                                   |       | 106.00               | 66.07                            | 0.00                    |
| JR Jenkins ELV/MR, Applegrove, Madderty, Crieff                           |                      |            | ✓          |         |                                   |       | 97.07                | 39.02                            | 117.47                  |
| Holden Environmental T/S, Shore Road, Perth                               | ✓                    | ✓          | ✓          | ✓       | ✓                                 | ✓     | 7,302.46             | 3,494.83                         | 7,728.50                |
| Perth Royal Infirmary, Taymount Terrace, Perth                            |                      |            | ✓          |         |                                   |       | 272.88               | 0.00                             | 272.88                  |
| Tayside Contracts, Blair Atholl Roads Depot TS, Blair Atholl              |                      |            | ✓          |         |                                   |       | 140.00               | 0.00                             | 52.00                   |
| Perth & Kinross Council, Lower Gaus CA, Bankfoot                          | ✓                    |            |            |         |                                   |       | 396.30               | 0.00                             | 396.30                  |
| Perth & Kinross Ccl, Aberfeldy CA, Breadalbane Terrace Ind Est, Aberfeldy |                      | ✓          |            |         |                                   |       | 760.30               | 0.00                             | 760.30                  |
| Perth & Kinross Council, Pitlochry TS, Aldour Ind Est, Pitlochry          |                      |            | ✓          |         |                                   |       | 5,403.00             | 0.00                             | 5,403.00                |
| Perth & Kinross Council, North Forr LF, Crieff                            | ✓                    | ✓          | ✓          |         |                                   |       | 6,671.20             | 0.00                             | 6,671.20                |
| Co-An TS, Welton Road Ind Est, Blairgowrie                                |                      |            | ✓          |         |                                   |       | 86.95                | 0.00                             | 86.95                   |
| Perth & Kinross Council, Auchterarder CA, Public Parl, Auchterarder       | ✓                    | ✓          |            |         |                                   |       | 1,259.80             | 0.00                             | 1,259.80                |
| Tayside Contracts, Loanleven TP, Perth                                    |                      |            | ✓          |         |                                   |       | 1,489.00             | 1,489.00                         | 629.42                  |
| Scottish Water, Perth WWTP, Perth                                         | ✓                    | ✓          | ✓          |         |                                   |       | 126,832.92           | 126,832.92                       | 16,230.64               |
| Scottish Water - Perth Area Office/Depot TS, Gowans Terrace, Perth        |                      |            |            |         | ✓                                 |       | 0.12                 | 0.00                             | 0.70                    |
| Methven Coachworks ELV, Station Rd, Methven                               |                      | ✓          |            |         |                                   |       | 37.00                | 16.74                            | 28.57                   |
| Perth Auto Recyclers ELV, Inveralmond Rd, Perth                           | ✓                    |            |            |         |                                   |       | 1,954.00             | 1,889.00                         | 1,686.06                |
| Binn Skips Transfer Station, Glenfarg                                     | ✓                    | ✓          | ✓          |         |                                   | ✓     | 114,714.53           | 109,102.62                       | 84,510.63               |
| Scotloo, Kinnoull House TS, Friarton Rd, Perth                            | ✓                    | ✓          | ✓          | ✓       |                                   |       | 11,302.65            | 9,507.27                         | 13,280.23               |
| Clashburn Close, Bridgend Ind Est, Kinross                                | ✓                    | ✓          | ✓          | ✓       |                                   |       | 2,498.50             | 0.00                             | 2,498.50                |
| Blairgowrie Civic Amenity Site & Transfer Stn < Blairgowrie               | ✓                    | ✓          | ✓          |         | ✓                                 |       | 11,340.80            | 0.00                             | 11,340.80               |
| Wyllie Recycling, Ruthvenfield Way, Perth                                 | ✓                    | ✓          | ✓          |         |                                   |       | 16,134.48            | 15,429.15                        | 16,108.76               |
| Pitlochry Civil Amenity & Recycling Site, Bridge Road, Pitlochry          | ✓                    | ✓          | ✓          |         | ✓                                 |       | 1,150.00             | 0.00                             | 1,150.00                |
| Friarton Waste Transfer Station, Perth                                    | ✓                    | ✓          | ✓          |         | ✓                                 |       | 52,316.70            | 0.00                             | 52,316.70               |
| Autoparts Blairgowrie, Essendy Road, Blairgowrie                          |                      |            |            | ✓       |                                   |       | -                    | -                                | -                       |
| Binn Farm (Wood Recycling), Glenfarg, Perth                               |                      | ✓          |            |         |                                   |       | 28,021.69            | 28,021.69                        | 45,335.16               |
| North Perth Recycling Centre, Perth                                       | ✓                    | ✓          |            |         |                                   |       | 2,128.40             | 0.00                             | 2,128.40                |
| Binn Farm, (DMR) Glenfarg, Perth                                          | ✓                    |            |            |         |                                   |       | 11,458.74            | 11,458.74                        | 12,078.94               |

This data provides a current picture of waste capacity (2014) within Perth and Kinross and could be subject to future growth.

# WASTE MANAGEMENT INFRASTRUCTURE IN PERTH AND KINROSS

What is the capacity of the current waste management sites?

Within Perth and Kinross there are currently 41 waste management sites which are highlighted in the map below all of which are accepting below their annual capacity. There is currently only one landfill site with capacity within Perth and Kinross at Binn Farm, this site still has capacity for 687,255 tonnes of waste however it is not currently operational.



This data provides a current picture of waste capacity within Perth and Kinross (SEPA, 2014) and could be subject to future growth.

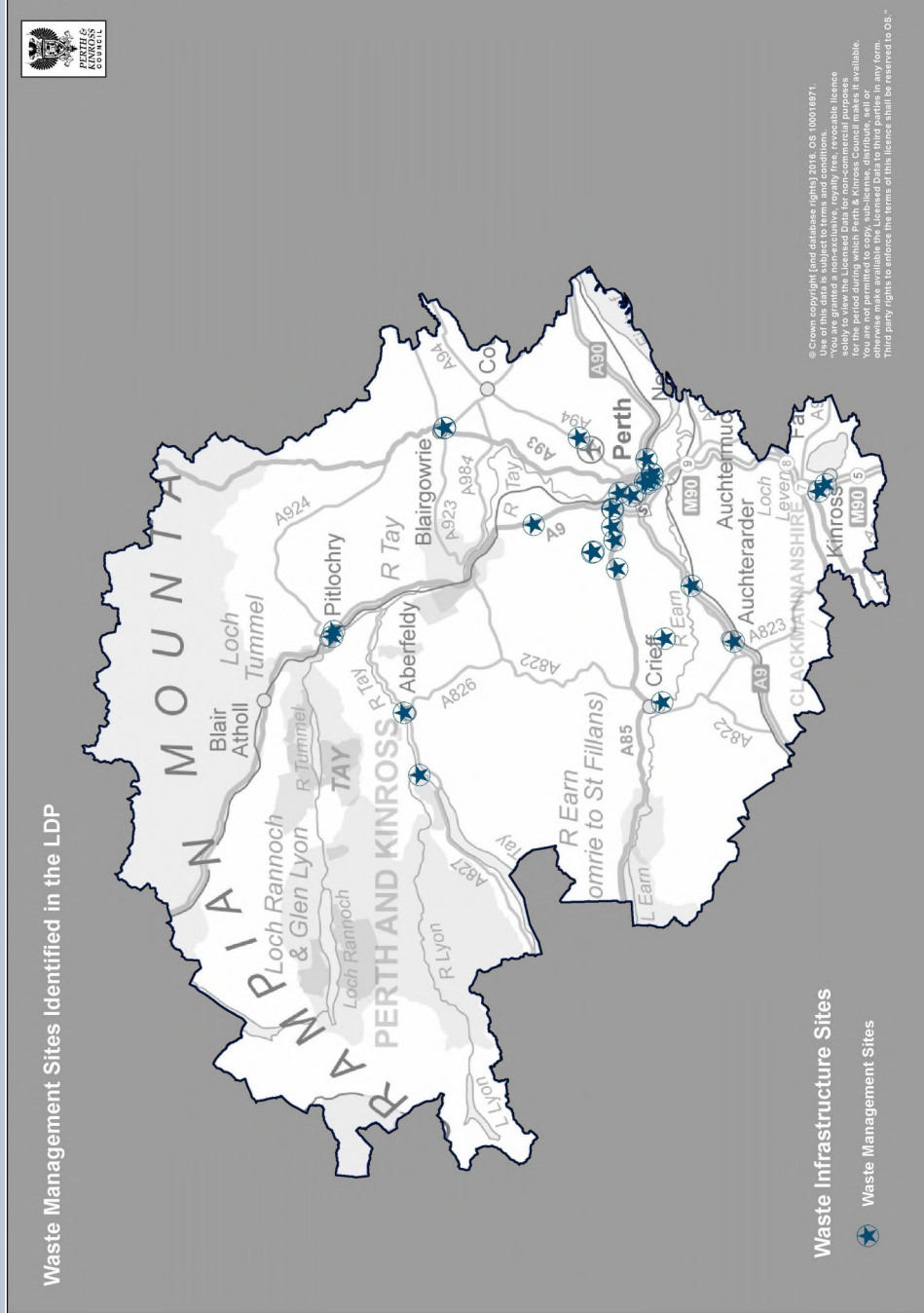
| Site Activity                                    | Year        | Number of Sites | Annual Capacity (tonnes) | Waste Accepted (tonnes) |
|--------------------------------------------------|-------------|-----------------|--------------------------|-------------------------|
| Civic amenity                                    | 2014        | 7               | 34,184                   | 8,193                   |
| Civic amenity/ Transfer station                  | 2014        | 2               | 90,656                   | 63,658                  |
| Civic amenity/Transfer station/landfill (closed) | 2014        | 1               | 7,000                    | 6,671                   |
| Composting/Anaerobic digestion                   | 2014        | 1               | 39,000                   | 38,791                  |
| Incineration/Other Treatment                     | 2014        | 1               | 60,000                   |                         |
| Landfill                                         | 2014        | 1               | 372,000                  | 110,756                 |
| Landfill (closed)                                | 2014        | 4               | 55,049                   |                         |
| Landfill (not operational)                       | 2014        | 1               | 15,000                   |                         |
| Metal recycler                                   | 2014        | 6               | 22,247                   | 4,562                   |
| Metal recycler/ Transfer station                 | 2014        | 1               | 12,000                   | 7,302                   |
| Other treatment                                  | 2014        | 2               | 54,999                   | 25,915                  |
| Transfer station                                 | 2014        | 9               | 212,798                  | 61,518                  |
| Transfer Station / composting                    | 2014        | 1               | 175,000                  | 114,715                 |
| Transfer station/ other treatment                | 2014        | 1               | 24,999                   |                         |
| Transfer station / Other treatment               | 2014        | 3               | 229,500                  | 139,672                 |
| <b>Grand total</b>                               | <b>2014</b> | <b>41</b>       | <b>1,404,432</b>         | <b>587,705</b>          |

# SITES FOR WASTE MANAGEMENT INFRASTRUCTURE IN PERTH AND KINROSS

## Waste Management Sites within the LDP

Within the LDP, Policy EP9: Waste management Infrastructure, highlights a presumption in favour of the retention of waste management sites identified in the plan. These are shown in the map. Development of waste management infrastructure will be supported by the plan where the proposals accord with the principles of the Zero Waste Plan and makes a positive contribution to the provision of a network of waste management installations.

As well as this in line with SPP we will seek to safeguard land surrounding existing waste management sites for potential expansion of waste management operations at these sites. This will prevent waste management activities from being restricted by adjoining land uses



## SITES FOR WASTE MANAGEMENT INFRASTRUCTURE IN PERTH AND KINROSS

- Policy EP9 sets out the criteria which will be used to assess the appropriateness of new waste management infrastructure development. It states that waste management infrastructure will be supported where:
  - The proposal accords with the Zero Waste Plan and makes a positive contribution to the provision of a network of waste management installations;
  - An outline of the main alternatives available in terms of location, technology and design and an indication of the main reason for the applicant choice, taking into account the environmental social and economic effects is supplied;
  - The developer, in considering alternative site locations, takes account of potential impacts of alternative project options in respect of any adverse effects of different groups of the population;
  - Potential impacts on pollution and noise in respect of any adverse effects on the community are taken into account;
  - Applicants demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Applicants should set out the reasons why the favoured choice has been selected;
  - The proposal takes account of waste arisings, current and planned waste infrastructure and identifies need;
- The location offers a good standard of accessibility;
- The proposal provides a sufficient landscape buffer and screening, where appropriate;
- The proposal is located close to an existing waste management installation and/or within an area identified within the plan for existing and new uses;
- Proposals must be compatible with surrounding development and the underlying land allocation where this is not employment;
- The proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to emissions including: air, noise, odour, dust, litter, vermin, birds, insects, leachate and surface water. It will also be necessary to mitigate any visual impact, traffic impact, impact on the built or natural heritage, and the water resource. Cumulative impacts will also be considered; and
- The potential for heat and/or electricity generation (which may include local or district heating schemes and co-location of industrial processes where the heat could be utilised) has been fully explored, and utilised where it is demonstrated to be viable.

## SITES FOR WASTE MANAGEMENT INFRASTRUCTURE IN PERTH AND KINROSS

### Energy from Waste

More information on developments which will create energy from waste, particularly heat, can be found in the upcoming Supplementary Guidance on Renewable Energy which is due to be published in 2017. More information specifically on energy from heat can be found in SEPAs [Thermal Treatment of Waste Guidelines](#). All new waste infrastructure developments should meet the criteria listed in policy EP9.

### Environmental Impact Assessments

For most waste management infrastructure proposals an Environmental Impact Assessment (EIA) will be required, if you are unsure about any aspect of your application, including the EIA, you can ask for Pre-Application Advice from Development Management. To complete the EIA screening we are likely to ask for the following information:

- The Contact Details of the Developer
- The Key Characteristics of the Project
- The Location of the Project
- The Characteristics of the Potential Impact

More details of the EIA process can be found on the Council's [website](#).

Where an EIA is not required we may still require assessment to be carried out to ensure that there is no adverse impact on the surrounding area as a

result of this development. These assessments could include, Air Quality (including Odour) Assessments, Noise Assessments, Flood Risk (including Drainage) Assessments, Transport Statements, Visual Impact Assessments, Habitat (including Protected Species) Assessments and Construction Method Statement (CMS). This is not an exhaustive list and the assessments required will vary depending on the proposed development. It is suggested that further information on this should be obtained through Pre-Application discussions.

### Restoration and Aftercare

Where appropriate applications will have to consider restoration and after-care and after-use proposal and these should be agreed in advance of operations. It is important that this considers the enhancement and connectivity of existing habitats as well as the creation of new habitats. In some cases it may be that restoration bonds will be required, usually by means of a Section 75 agreement.

In addition for landfill sites SEPA will require separate financial provision to be made. The operator is required by the PPC permit conditions to have its financial provision independently audited every 3 years. Should there be any variation to the permit that affects the total amount of financial liability associated with the operation then financial provision will be reviewed at the time of any such application.

More detail on the licensing process is available on [SEPA's website](#).

## WASTE INFRASTRUCTURE IN NEW DEVELOPMENTS

Policy EP1 in the LDP highlights the importance of designing new developments that are sustainable with a focus on carbon reduction and increasing resilience to climate change. Looking specifically at waste this policy states that all new development will be required to provide satisfactory arrangements for the storage and collection of refuse and recyclable materials as part of its design and that where appropriate major developments should include communal facilities for waste collection and recycling.

Following on from this policy the Council adopted supplementary guidance on Sustainable Design and Zero Carbon Development in 2014. This highlights the need to increase sustainable waste opportunities through minimising waste and maximising recycling both during construction and after occupation.

The following principles are established within this guidance:

- Recycling facilities should be as easy and straightforward to use as general waste bins,
- Storage areas should be appropriate for access by both users and collection crews,
- Provision should be made for segregated waste streams including dry mixed recyclates, food waste and colour separated glass,

- New commercial developments should comply with Waste (Scotland) Regulations 2012.

More information on this can be found within the [Councils Waste Services Planning Guidance](#).

### Site Waste Management Plans

Although it is not a legal requirement to provide a Site Waste Management Plan these can be effective tools in reducing construction waste allowing developers to manage materials more efficiently which could reduce costs.

A Site Waste Management Plan sets out how resources will be managed and how waste will be controlled at all stages during a construction project. It covers who will be responsible for resource management, what types of waste will be generated, how the waste will be managed – will it be reduced, reused or recycled, which contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally and how the quantity of waste generated by the project will be measured.

More information on this can be found on the [NetRegs website](#).

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**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Developer Contributions and Affordable Housing Supplementary Guidance****Report by Director (Environment)**

This report provides an update on the response of Scottish Ministers to the notice of intention to adopt the Developer Contributions and Affordable Housing Guidance submitted to Scottish Ministers on 29 March 2016. Ministers have issued directives requiring changes and the Developer Contributions and Affordable Housing Guidance has been modified in line with these.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Enterprise and Infrastructure Committee on 23 March 2016 (Report No. 16/133 refers) agreed to the proposed terms of the Guidance and their submission to Scottish Ministers. The Guidance was submitted to Scottish Ministers on 29 March 2016.
- 1.2 Scottish Ministers provided their final response to the Council on 31 May 2016. A Direction was issued in relation to the Guidance that it may not be adopted as Supplementary Guidance until specified modifications are incorporated. This Direction required minor revisions to paragraphs 2.1 and 2.4. It also required a revision to paragraph 6.4 to reflect ongoing dialogue with Transport Scotland.
- 1.3 These modifications are minor and improve the clarity of the Guidance. They have been incorporated in the updated document attached in Appendix 1.
- 1.4 This report takes account of the recent Court of Session decision on the Aberdeen City and Shire Councils' Strategic Transport Fund. The Council's Head of Legal and Governance's opinion is that the Council's approach to securing Developer Contributions towards Transport Infrastructure is substantially different from the City and Shire Councils' Strategic Development Fund and is therefore more robust. However, the possibility of a similar challenge cannot be discounted.
- 1.5 Accordingly, it is recommended that the reviewed Guidance is only adopted as Supplementary Guidance after the 42 Day period of challenge has lapsed. The Guidance should be adopted as Statutory Supplementary Guidance as of 1 February 2017. Until the adoption of this revised guidance, the current Statutory Guidance adopted on 8 October 2014 will remain in force.

## 2. PROPOSALS

- 2.1 During the consideration of a number of planning applications, the Council has discussed the issue of contributions towards improvements at Broxden and Inveralmond with Transport Scotland. These junctions do not fall under the scope of the Transport Infrastructure Contribution approved by the Council and they relate to a separate and subsequent requirement of Transport Scotland. The revised guidance makes it clear that additional contributions may be required, over and above those required by the Council.
- 2.2 These directions do not impact on the overall content of the guidance, but clarify the content in line with government policy.

## 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 This report provides an update on the Scottish Ministers' response to the Council's notification to adopt Supplementary Guidance on Developer Contributions and Affordable Housing. Ministers have made three directions in relation to the Guidance. These do not change the purpose of the Guidance, but provide additional clarity.
- 3.2 It is recommended that the Committee:
- (i) approves the modifications to the Supplementary Guidance reflecting the direction from Scottish Ministers.
  - (ii) formally adopts the Guidance and Statutory Supplementary Guidance on 1 February 2017.

### Author

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### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION.

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.

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

1.2 It is considered that the strategy and related actions will contribute to the following objectives:

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

## 2. Resource Implications

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

## 3. Assessments

### Equality Impact Assessment

- 3.1 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.
- 3.2 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 **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.3 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).
- 3.4 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and 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 The SG provides a methodology for the calculation of Developer Contributions towards funding Primary Education, A9 Junction Improvements, transport infrastructure and securing Affordable Housing. It is not directing development or adding to any other part of the adopted Local Plans or Proposed Plan.

### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 The proposal contained within the report are assessed to have a positive impact on sustainability, particularly with regard to delivering transport infrastructure including Park and Ride thus encouraging sustainable modes of transport.

## Legal and Governance

- 3.7 The Head of Legal and Governance Services has been consulted and no legal implications have been identified.

## Risk

- 3.8 None.

## **4. Consultation**

### Internal

- 4.1 The Head of Legal and Governance Services, the Head of Finance and the Head of Democratic Services have been consulted on the preparation of this report

## **5. Communication**

- 5.1 Upon adoption of the Supplementary Guidance, a notification will be sent to interested parties. The Supplementary Guidance will be forwarded to Scottish Ministers. The Supplementary Guidance will be placed on the Council website.

## **2. BACKGROUND PAPERS**

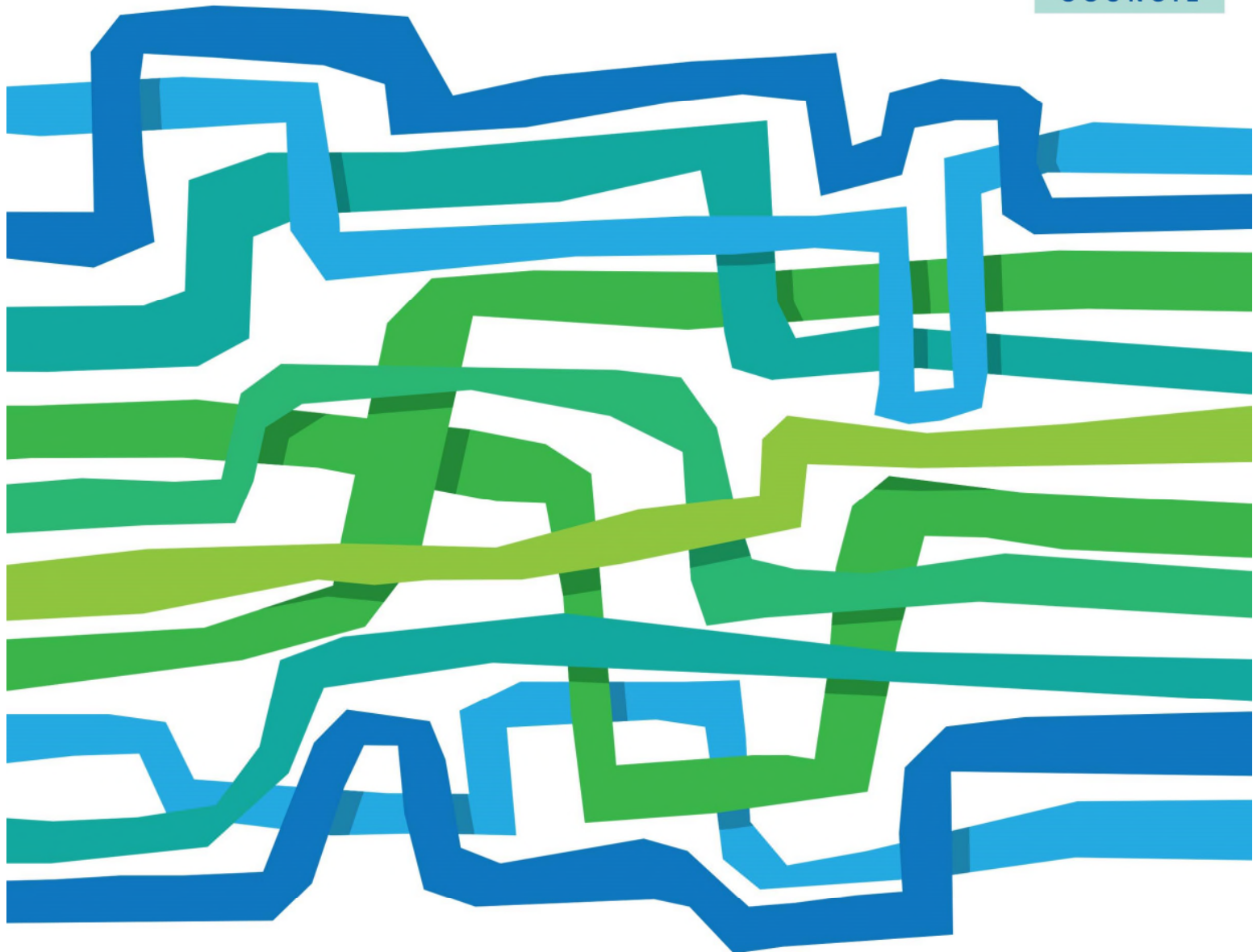
- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report:

- Planning Circular 3/2012: Planning obligations and Good Neighbour Agreements
- TAYplan Strategic Development Plan 2012
- Perth and Kinross Local Development Plan February 2014
- Developer Contributions Supplementary Guidance August 2014
- Developer Contributions Transport Infrastructure Supplementary Guidance August 2014
- Affordable Housing Supplementary Guidance August 2014
- Report No 15/534 to Council 18 November 2015
- Report No. 16/133 to Enterprise and Infrastructure Committee 23 March 2016

## **3. APPENDICES**

- 3.1 Appendix 1 – Revised Developer Contributions and Affordable Housing Supplementary Guidance.





# Developer Contributions and Affordable Housing

April 2016

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# 1. Introduction

## 1.1

Across Scotland, local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth. This has been a particular issue in Perth and Kinross where the population grew by 5.3% in the period 2001- 2007. This growth is set to continue with the National Records of Scotland (NRS) population projections indicating that the Perth and Kinross population will increase by 24% (35,196 persons) for the period 2012-2037. This far exceeds the national average and is the third highest growth projection in Scotland.

## 1.2

The increasing population has already placed heavy demands on public sector services and infrastructure capacity. If the population is to rise as the NRS projects, this will have an increasing impact on schools, community and leisure facilities, transport infrastructure and health services. It is unlikely that the growth projected for Perth and Kinross will be evenly spread across the Council area, placing an even higher demand for services and infrastructure in some already constrained areas. This will present significant challenges for the Perth & Kinross Council (“the Council”) and its Community Planning partners.

## 1.3

The sustainable development of Perth and Kinross requires the provision of services in appropriate locations to meet the increasing needs of the expanding population. As a result, new investment in infrastructure will be required to keep pace with the increasing needs of an expanding population. Initial estimates suggest that investment exceeding £300 million at current prices is required in public sector infrastructure over the next 25 years in order to support this future growth. Maintaining current assets already places a heavy burden on the Council’s budgets, leaving limited resources for investment in increasing infrastructure capacity.

## 1.4

It is neither sustainable nor good planning to wait until capacity is used up and then begin to recognise and address the problem. It will be necessary to analyse current capacity and future demand making the solution the collective responsibility of the Council and developers over the long term. This approach is the most equitable, sharing the cost with all development which places new demand on infrastructure capacity, rather than placing an uneconomic burden on a limited number of developers in later years.

## 1.5

With the population increase of Perth and Kinross driven by in-migration, largely from other parts of the UK, a partnership approach is required between the Council and developers to ensure infrastructure capacity is not to become a major constraint on new development.

## 1.6

Such partnerships have traditionally been facilitated through the use of Section 75 Planning Obligations which have become key mechanisms in the planning system for addressing and for mitigating the impact of new development. Although such obligations have been used to address specific issues arising from individual applications, they can also be used as the vehicle for a developer contribution policy which addresses the general issue of infrastructural requirements and seeks to bring about a fairer sharing of infrastructure costs.

## 1.7

This Guidance concentrates on the delivery of developer contributions to provide a means to enable the proposed development to proceed and to meet the needs of the local community associated with the new development by securing contributions towards the provision of infrastructure and services. This Guidance also provides advice and information on the application of the affordable housing policy.

## 1.8

This Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and Policy RD4: Affordable Housing.

## 2. Legal and Policy Background

### 2.1

*The most widely used legislation for managing developer contributions is Section 75 of the Town & Country Planning (Scotland) Act 1997. This section of the act states that:*

*'(1) A person may, in respect of land in the district of a planning authority-*

*(a) by agreement with that authority, or*

*(b) unilaterally,*

*Enter into an obligation (referred to in this section and in sections 75A to &%c as a "planning obligation") restricting or regulating the development or use of the land, either permanently or during such period as may be specified in the instrument by which the obligation is entered into (referred to in this section and in those sections as the "relevant instrument").'*

### 2.2

The most recent Government advice on the use of Planning Obligations is contained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Section 75 Planning Obligations enable local authorities to:

- regulate the sequence of development proposals;
- achieve off-site infrastructure provision;
- control the use of land or the nature of an activity carried out thereon;
- secure the provision of affordable housing;
- obtain financial contributions towards services or facilities.

## 2.3

In regard to financial contributions, Government advice states that:

“... contributions towards public transport or community facilities may be acceptable provided the requirements are directly related to the development proposal and the need for them arises from its implementation.”

## 2.4

*It is a legitimate planning objective to utilise Section 75 Planning Obligations to achieve contributions towards the provision of services and facilities within Perth and Kinross. However, current guidance makes it clear that Obligations should only be sought where they are required to make a proposal acceptable in land use planning terms and that the use of a planning condition is not appropriate. Planning Conditions, including suspensive conditions, will be used wherever possible.*

## 2.5

Planning Obligations will only be sought where they meet all of the tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements:

- necessary to make the proposed development acceptable in planning terms;
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should be relative to development plans;
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area;
- fairly and reasonably relate in scale and kind to the proposed development;
- reasonable in all other respects.

## 2.6

### Affordable Housing

In June 2014, the Scottish Government published Scottish Planning Policy (SPP) which outlined alterations to previous Government policy; these have been incorporated within this document in conjunction with PAN 2/2010: Affordable Housing & Housing Land Audits (August 2010).

## 2.7

The latest research by Perth & Kinross Council reinforces there is a continuing need for affordable housing in Perth and Kinross, indicating that at 2014 there was a net annual need for 388 affordable houses in the area. This shows that significant and ongoing levels of unmet affordable housing needs exist across Perth and Kinross, particularly in the Greater Perth Housing Market Area (HMA).

## 2.8

In most circumstances, it will not be possible to apply developer contributions to affordable housing sites developed by registered social landlords supported by public subsidy. Applying the Supplementary Guidance would not allow many of these sites to reach the costing benchmark for affordable housing set by the Scottish Government Housing, Regeneration, Culture & Commonwealth Games Directorate. It should also be noted that affordable housing predominantly caters for persons already resident within Perth and Kinross and this is markedly different from the private sector housing where the largest proportion is required to meet predicted levels of in migration. Affordable housing units will be required to make an appropriate contribution towards Transport Infrastructure. It is acknowledged that affordable housing has an impact on infrastructure capacities and contributions from private housing should not be required to offset this impact. Perth & Kinross Council will mitigate the impact of affordable housing and any contribution requirement will only reflect the impact that private housing would have.

## 3. Applying the Guidance

### 3.1

The Supplementary Guidance is intended to provide developers in Perth and Kinross with greater certainty of the contributions and affordable housing requirement that will be sought in conjunction with planning applications. It will also provide a more transparent, streamlined, practical, consistent, and accountable approach to the negotiation of developer contributions and affordable housing delivery. On a case by case, basis contributions may be required from new development toward other areas of infrastructure, such as green infrastructure or community facilities, not outlined in this Guidance.

### 3.2

The following principles apply to the application of this Guidance.

- The Guidance will be applied to sites identified in the adopted Local Development Plan and planning applications;
- The Guidance will not apply retrospectively to sites with full or 'In Principle' planning consent prior to the each relevant section of the Guidance coming into effect;
  - Affordable Housing - August 2005;
  - Primary Education - May 2009;
  - Auchterarder A9 Junction - August 2009;
  - Transport Infrastructure - April 2014;
- The Guidance generally will not be applied to an approved master plan or planning brief except where they are considered to be out of date and may subsequently be renegotiated in line with the most current developer contributions and affordable housing Supplementary Guidance; and
- The Guidance will not be retrospectively applied to an application already submitted prior to the Supplementary Guidance being adopted unless a constraint has already been identified which may in the absence of this Guidance have resulted in a recommendation of refusal.

### 3.3

Situations where the replacement or refurbishment of an existing house will be included under this Supplementary Guidance:

- Where it has been vacant and no Council Tax payments made within the 7 year period prior to the registration of a planning application;
- Where it has been used for another purpose such as storage and would require planning consent to revert to a residential property;
- Where it is dilapidated or derelict and would need extensive work requiring planning consent to become habitable.

### 3.4

Situations where the replacement or refurbishment of an existing house may not be included under this Guidance:

- Where it has been occupied or has been in a habitable condition in the 7 year period prior to the registration of a planning application; or
- Where it would be capable of being occupied as a house without requiring extensive work or planning consent. Each case will be determined on its own merits.

### **3.5**

Non-residential buildings are considered to be 'in use' if part of it has been used for a continuous period of at least 6 out of the 12 months prior to the submission of a planning application.

### **3.6**

Where applications are submitted for the renewal of planning consent the Guidance will be applied in accordance with Appendix 5.

### **3.7**

Where a new proposal replaces an existing development with planning consent the assessment will normally be applied to the net additional impact of development. If a revised full planning application is submitted or a full application which seeks to alter the number of units specified in an 'In Principle' application which pre dated the Guidance, as defined in paragraph 3.2, if the application is for a greater number of units then the Guidance will be applied to all additional net units. If a revised full planning application is submitted which seeks to increase the size of a non-residential use the Guidance will apply to the additional Gross Internal Area.

### **3.8**

The Guidance sets out a framework of standard charges and formulae which form the basis for negotiating and securing Planning Obligations. However in the case of large and/or complex developments contributions may need to be tailored to the particular scheme. In general, where developments of 250+ residential dwellings or major employment uses are proposed, the Council may enter into separate negotiations to determine the required contribution. This should make pre-application discussions easier and speedier because developers will have greater certainty about how much they will be expected to contribute.

### **3.9**

In the case of applications for 'In Principle' planning permission where the development mix may not be known, a condition will be applied to any permission indicating that this Supplementary Guidance will be applied at the time of future applications.

### **3.10**

Delayed payment of contributions and affordable housing will normally be secured by means of a Section 75 Planning Obligation between the Council, the landowner and any other relevant person(s). Such Planning Obligations will need to be registered before planning permission can be issued.

### **3.11**

Where contributions and affordable housing commuted sums are to be paid prior to planning consent being issued, this may remove the need for the use of a Planning Obligation. Where a developer is unable to pay the contribution in advance the Council will consider the phasing of the contribution with the development.

### **3.12**

This Supplementary Guidance note will be reviewed every three years to ensure the continuing need for developer contributions and affordable housing in each area and to reassess the contribution levels.

### 3.13

Where additional land is needed to facilitate infrastructure improvements, the developer may be required to either provide land on site or sufficient funding to acquire it. This may be offset against other developer contribution requirements.

### 3.14

In some circumstances, the Council may be willing to accept off-site provision on an alternative site. In such cases the details of both sites should be submitted together in order that the overall merits of the scheme can be assessed. The judgement as to whether off-site provision is acceptable will be based on a number of factors including: the desire to achieve balanced communities, the individual site circumstances in terms of location and accessibility.

### 3.15

Where contributions are secured for the provision of facilities primarily for the people who will reside on the development or neighbouring residents and the facility to be taken over for maintenance purposes by the Council, it may be appropriate for the developer to make a one off contribution to their subsequent maintenance i.e. Public Green Space.

### 3.16

In some cases, developers will provide the required infrastructure on the site themselves instead of paying the required contributions sum to the Council.

### 3.17

#### Implementing Infrastructure Capacity Improvements

Providing the necessary infrastructure may require the Council to work in partnership with developers or upfront investment by the Council to be recouped at a later date. For example, a single development that might trigger the need for a new road junction may not in itself generate sufficient funds to meet the full cost of any required work. As it is impossible to build half or part of a junction, it is therefore likely that the Council would have to fund the work. It is therefore appropriate for the Council to request payments from subsequent developments benefitting from that investment until its costs have been recovered.

### 3.18

Developers are expected to take the requirement for developer contributions and affordable housing into account in their financial appraisal and purchase of development sites. It is acknowledged that, in some cases, there may be abnormal development costs which were unknown at the time the site was purchased. Other examples may be where the proposal is for the refurbishment of an important building which the Council would wish to see retained/reused, but the costs of the refurbishment works are prohibitive. In such circumstances, where the developer can demonstrate and clearly justify that there are exceptional costs, unknown when the initial offer of purchase was made, which render the development of the site unviable as originally proposed, the Council will consider the strategic priorities for a site holistically when determining an application.

### **3.19**

It will be for the developer to demonstrate to the Council's satisfaction that other requirements or abnormal development costs render the development unviable by the submission of a 'Development Viability Statement' which sets out the project costs in detail together with the anticipated income from the development, and the profit level. This should be submitted at the earliest opportunity. As part of this Statement, developers will also be expected to demonstrate that all potential options for meeting developer contribution and affordable housing requirements have been explored. Standard development costs such as demolition works, retaining and ground works, landscaping, archaeological investigations, drainage works, site purchase, and flood prevention works will not normally be accepted as abnormal costs. Abnormal costs should be reflected in the purchase price of land and in this respect, the developer may be asked to demonstrate that abnormal costs were not known at the time the site was purchased.

### **3.20**

The sensitive nature of some financial information is acknowledged and therefore where requested the content of the Statement will remain confidential between the applicant and named officials within the Council and the Convenors of the Development Management Committee, although in some circumstances the Council may wish to have the Statement independently assessed. The position regarding statements and the Freedom of Information (Scotland) Act 2002 means should they need to be available to the public, they will be redacted with all figures and commercially sensitive wording blanked out. The statements will then be presented to the developer for agreement, prior to being made available for publication on the Public Access portal on the Council website. Only in very exceptional circumstances where there are excessive, previously unknown, abnormal costs will it be likely that the Council will agree to reduce or give exemption from the requirement to developer contributions or affordable housing. As such, it is anticipated that the submission of a Development Viability Statement will be the exception rather than the rule.

### **3.21**

It should be noted that deviation from the Supplementary Guidance requirements cannot in most instances be endorsed under delegated authority and will required to be referred to the Convenors of the relevant Committees and local Councillors.

### **3.22**

#### Accountability

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for. Annually, a statement will be published on the Council's website with a summary of the total contributions received for each area of the Guidance and what they have been spent on. Eligible costs for expenditure will include funding for two Officer Posts to assist in the implementation of the Developer Contributions and Affordable Housing policies. Each account will be audited through the usual internal audit procedures.

### 3.23

All accounts are ring fenced for meeting the particular infrastructure requirement. Each section of this Guidance will set out the parameters for the use of funds, identifying the type of use to be made and the geographical area in which they can be spent. Where a contribution has been made developers will be able to reclaim any money not invested in the infrastructure it was required after the following time periods for date of payment to the Council:

- Primary Education – 10 Years;
- Auchterarder A9 Junction – No return of contributions;
- Transport Infrastructure – 10 Years;
- Affordable Housing – 5 Years;

Where contributions are returned, interest will be made payable at 0.25% below the Bank of Scotland base rate.

### 3.24

#### Phasing of Payments

Where a Planning Obligation is entered into, applicants have the option to phase payments over the lifetime of a development. The following outlines the standard phasing schedule of contribution payments to be used when completing legal Planning Obligations. The acceptance of this phasing will speed up the completion of Planning Obligations. It should be noted that developers are not bound by this protocol, but where a bespoke agreement is required, discussions should be entered into at the outset of the submission of a planning application so as not to delay the processing of the Planning Obligation.

### 3.25

The following scheduling is a guide and in individual circumstances exceptions may be appropriate in agreement with the planning authority;

- 1 – 4 dwellings. Single dwellings and small scale developments will be encouraged to make contributions payment upfront of the release of planning consent. The use of Planning Obligations for small scale developments is not recommended as the processing of Obligations may extend the period of time for release of consent and increase costs for applicants through their own legal fees;
- 5 – 250 dwellings. Financial contributions will be based on occupation of open market units with payments made within 10 days of the occupation of each dwelling or quarterly/bi-annually through negotiation with the Council;
- 250+ dwellings. Payment phasing agreed on an individual basis;
- 250+ dwellings. Level and phasing of on-site Affordable Housing to be agreed on an individual basis;
- Non-residential. Phasing to be agreed on an individual basis.





## 4. Primary Education and New Housing Development

## 4. Primary Education and New Housing Development

### 4.1

#### Introduction

The following Supplementary Guidance applies over the whole local authority area of Perth and Kinross.

### 4.2

This Guidance sets out the basis on which Perth & Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development.

### 4.3

The General Register Office for Scotland's 2012 based population projections indicates that Perth and Kinross has the third highest growth rate across all of Scotland. In addition, the more detailed analysis of age breakdown indicates a fundamental shift from a declining primary school population to an increasing number of school age children in the period to 2037. With much of the existing primary school estate currently working at, or near capacity, these projected increases will result in the need to replace or expand primary schools within Perth and Kinross in addition to the construction of a number of additional primary schools in the Strategic Growth Areas. To ensure that primary infrastructure capacity does not become a major constraint on new development, a partnership approach is required between the Council and developers.

### 4.4

#### Principles of the Guidance

The Guidance will be applied to new housing in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is currently operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. Where the Council has funded an increase in Primary School capacity to meet the needs of new development, contributions may be required from future development until a proportionate cost of the school improvements is received. This position will be reviewed annually.

## 4.5

The following key principles will apply:

- Affordable & Council housing will not be required to pay contributions. Affordable Housing is as defined in section 7 of this Guidance;
- Developments of less than 20 units in the Perth City Centre Zone as defined in Appendix 4 will not be required to make a contribution. Where a proposal is for 20+ units then the contribution requirement will be assessed on an individual basis;
- Applications for dwellings which are not likely to place an additional burden on the existing schools, for example, student accommodation linked to a College/University or holiday accommodation would not be expected to make a contribution;
- Proposed one bedroom apartments, where it is clear that no additional rooms could be used as bedrooms, will not be required to pay a contribution. A one bedroom apartment can consist of the following rooms, sitting room, kitchen, bathroom, single bedroom;
- Sheltered housing will not be required to pay a contribution. (For the purpose of this Guidance, sheltered housing is defined as groups of housing units provided for elderly people who require occasional support and assistance from a resident warden but who do not require full residential care). This type of accommodation will generally have an element of communal facilities. Dwellinghouses with an age related occupancy condition will not be exempt from the contribution requirement;
- Proposed dwellings of two or more bedrooms, along with consents for the change of use from or replacement of sheltered accommodation or one bedroomed dwellings to residential units of two or more bedrooms, or for conversions from alternative uses to residential where the units comprises two or more bedrooms, will make a full contribution;
- Deferring the start date of the development or phasing arrangements may need to be agreed between the Council and developers so that, at all times, sufficient school capacity is available;
- Contributions may be secured by means of a Section 75 Planning Obligation between the Council and the developer/landowner. The Planning Obligation will need to be concluded before planning consent can be issued.

## 4.6

### Developers Funding

All developer contributions will be paid into a fund to facilitate the education provision needs in Perth and Kinross. The costs of education provision varies between each individual project. There is a need to look at the school estate in its totality, as a constraint within one primary school catchment area can, on occasions, be resolved by either the creation of a new school elsewhere or the expansion of an adjacent primary school. Where possible, contributions will be invested within the relevant primary school's catchment area (including denominational schools where they exist). Where it is not possible to invest in the same area, the Council reserves the right to invest the contributions received within the corresponding secondary school catchment areas to help alleviate the capacity issue. For the purpose of this Guidance, the three Perth non-denominational secondary catchment areas will be treated as a single catchment area.

## 4.7

### Applying the Guidance

Where a development proposal includes replacement or refurbishment of existing houses, the education contributions Guidance may not apply to all units. The test will be whether the proposal will effectively create additional residential units which were not available as houses previously. The guidelines are set out under paragraph 3.3.

#### 4.8

Where a dwellinghouse has been subject of change of use and consent is sought to revert back to residential use a full contribution will be required. The exception being, if the change of use from residential was implemented within the 7 year period prior to the registration of a planning application to revert back to residential use, in such cases a contribution will not be required.

#### 4.9

##### Determining Contribution Levels

In order to provide a clear picture of expectations and to ensure parity of contribution across areas of need, it is considered that a formula based on the average number of children per household and the average cost of creating additional primary school capacity would be appropriate. This introduces both a demographic and construction cost variable.

#### 4.10

Appendix 1 sets out in which primary school catchments a contribution will be required. This list will be revised annually.

#### 4.11 Developer Contribution Rates per Dwelling

| Type of Dwelling         | Contributions             |
|--------------------------|---------------------------|
| 1 Bedroom Dwellinghouse  | No Contributions Required |
| Sheltered Housing        | No Contributions Required |
| Affordable Housing       | No Contributions Required |
| 2+ Bedroom Dwellinghouse | £6,460                    |

#### 4.12

##### Calculation of Contributions

- Cost per pupil - £23,923
- Pupil Product Ratio - 0.27
  
- Total Contribution per House
- £23,923 X 0.27 = £6,460

# Achterarder A9 Junction Improvements



## 5. Auchterarder A9 Junction Improvements

### 5.1

#### Introduction

The following Supplementary Guidance sets out the basis on which Perth & Kinross Council will seek to ensure contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 Junction Improvements that are required in the interests of road safety.

### 5.2

The aim of the Guidance is to release development within the Auchterarder area which does not form part of the Auchterarder Expansion Development Framework but has been restricted due to road safety constraints of the A9 at Auchterarder. Those developments paying the contribution will subsequently have their consents released enabling development to continue within the area.

### 5.3

The area over which the protocol will apply has been identified in map form as shown in Appendix 2: A9 Junction Supplementary Guidance Boundary.

### 5.4

The basis of the boundary is to incorporate an area where development would access the A9 using Loaninghead or Aberuthven junctions or both and would subsequently benefit from the proposed junction improvements. Blackford and Dunning are not included within the boundary area since they are primarily accessed by other junctions.

### 5.5

#### Principles of the Guidance

The following key principles will apply:

- The contribution for a single house will be £3450;
- A contribution will be sought from all residential developments within the identified boundary of the wider Auchterarder area including single houses with the exception of affordable housing. Affordable housing is as defined in section 7 of this Guidance;
- The contributions for residential development will be calculated pro rata according to the number of dwellings involved;
- This Guidance will not apply to areas within the approved Auchterarder Development Framework;
- If a Transport Assessment is required, a contribution will be sought from non-residential developments within the identified boundary that have a trip generation equal to or higher than a dwellinghouse. However, where a Transport Assessment is not required or it is considered to reduce the need to travel e.g. through the provision of local employment or services, the Guidance would not apply;
- Out-with the identified boundary area, but within the Strathearn Housing Market Area, a contribution would only be sought from developments that require a Transport Assessment which identified that the development would have an impact on the A9 junctions within the boundary area at Auchterarder;
- Contributions may be secured by means of a Section 75 Planning Obligation between the Council and the developer/landowner. The Planning Obligation will need to be concluded before planning permission can be issued.

## **5.6**

### Applying the Guidance

Where a development proposal includes replacement or refurbishment of existing houses, the A9 Junction contributions Guidance may not apply to all units. The test will be whether the proposal will effectively create additional residential units which were not available as houses previously. The guidelines are set out under paragraph 3.3.

## **5.7**

Major developments contrary to the Development Plan will be subject to separate assessment against this Guidance on road safety grounds.

## **5.8**

### Developer Contribution Calculation

The total cost of the project in accordance with 2007 figures is estimated at £10.52m. Transport Scotland has contributed £1.4m towards the Loaninghead junction improvements. The remaining £9.12m will be provided by the Consortium, gWest and other developments impacting on these junctions.

## **5.9**

The contribution will be set at £3450/house. The basis of each contribution paid would seek to be proportional to the impact the development would have on the trunk road infrastructure. For non-residential development, the contribution will be calculated on the basis of the impact of an equivalent number of residential properties.



## 6. Transport Infrastructure



## 6. Transport Infrastructure

### 6.1

The following Supplementary Guidance is about facilitating development. It sets out the basis on which Perth and Kinross Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross.

### 6.2

The Council is seeking contributions from a package of measures which are essential to support the delivery of the Local Development Plan (LDP). The projected costs of the infrastructure have been estimated in line with industry standards. Any review of these costs and subsequent change to the contribution level will go through the statutory consultation procedure. The current working estimates are as follows:

| Element                                  | Cost £(million) |
|------------------------------------------|-----------------|
| Cross Tay Link Road ("CTLR")             | £88m            |
| Park and Ride                            | £4m             |
| A9/A85 Crieff Road junction improvements | £17m            |
| <b>Total</b>                             | <b>£109m</b>    |

### 6.3

Traffic Modelling has been undertaken which has identified that 61% of future traffic growth is associated with new development sites in the LDP. The contribution level is therefore calculated on the basis of 61% of the total costs (66.49m), the remainder (£55.59m) being sought through other mechanisms.

### 6.4

*The Transport Infrastructure contributions collected through this mechanism will only be used for the identified packages outlined in Paragraph 6.2. This contribution shall be considered as being additional to any other cumulative or site specific transport contribution required in relation to the development. Following appropriate assessment, proportionate contributions or mitigation may be sought for work to the strategic transport network, for example at the A9 Broxden and Inveralmond junctions.*

### 6.5

#### Principles of the Guidance

Subject to the exceptions set out in this policy, this Supplementary Guidance applies to all development within the defined boundary identified in Appendix 3. This is because the transport appraisal relating to this Guidance illustrates a link between all development in the defined area and the impact which the defined transport improvements seek to mitigate, as per the guidance in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The full contribution level applies to all development within the identified Perth Core Area. The reduced contribution level applies to all development out-with the Perth Core Area and within the defined boundary, except for development for which a Transport Assessment is required and then identified as having a direct impact on any element of the infrastructure package. In such cases a higher contribution may be applied.

## **6.6**

Residential developments of less than 20 units in the Perth City Centre Zone, as defined in Appendix 4, will not be required to make a contribution. Where a proposal is for 20+ units, then the contribution requirement will be assessed on an individual basis.

## **6.7**

In order to support the economic growth of Perth and Kinross, new employment uses which fall under the Employment Land Use category of the Transport Infrastructure section of this Guidance, and which are to be developed on brownfield land, will not be required to make a contribution. New employment uses on Greenfield land not cross subsidised by residential development will be considered on an individual basis.

## **6.8**

Where a proposal supports specific Council objectives, such as regeneration or significant economic benefit but where it would not be viable due to the application of the Supplementary Guidance the Council may enter into negotiations to reduce the contribution with each case assessed and determined on its own merits.

## **6.9**

Proposals for a change of use to form residential or subdivision of existing residential property will not normally be expected to provide a contribution, unless they result in the creation of 5 or more residential units. Where residential properties are extended, a contribution will be required from all proposals which extend the original property by over 50% excluding the allowance under the current Permitted Development Rights guidance.

## **6.10**

In the event of a contribution of land towards the development of the CTRL, the amount of contribution required under this mechanism may be revised. Each application will be considered on its individual merits, taking into account factors such as the value of the land, its condition and any remedial works required to make it suitable for use. Land values will be assessed independently by the District Valuation Service (or other mutually agreed appointee) with a joint brief being agreed between the Council and the applicant.

## **6.11**

In circumstances where non-residential developments are proposed which do not have a large Gross Internal Area, but could have a large impact on the transport network (for example quarries, outdoor leisure etc.), the contribution level will be calculated on an individual basis.

## **6.12**

### How is the Contribution Calculated?

The transport contributions are calculated on the Gross Internal Area (GIA) of new non-residential development or in the case of residential development the total number of units proposed. Where replacement buildings are proposed, (provided the building is in current use), the Trip Rate of the existing use will be taken into account and the contribution reviewed accordingly on a case by case basis. GIA includes everything within the external walls of the buildings (lifts, stairwells and internal circulation areas). It does not include areas like external balconies or the thickness of external walls. Appendix 6 sets out the GIA definitions.

## 6.13

Applicants for planning permission for non-residential buildings are advised to provide the following information with each planning application:

- Current GIA of buildings and their uses to be demolished (if any);
- Proposed GIA of all buildings and their uses on site once the development has been completed.

## 6.14

Using this information, the Council calculates the net increase in GIA. This result is multiplied by the appropriate contribution rate in £/m<sup>2</sup> to calculate the required contribution level.

## 6.15

### Contribution Rates per Development

The contribution level will be reviewed within a 5 year period from adoption of the Supplementary Guidance. Any review will take account of updated costs in relation to the infrastructure projects such as land costs, detailed designs, inflation and construction costs. Any revised contribution level will not be applied retrospectively to consented planning permissions.

## 6.16

### Perth Core Area

The Perth Core Area includes the settlements of Perth, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport and also the land between these settlements surrounding the main transport routes into Perth.

| Land Use                  | Contribution per m |
|---------------------------|--------------------|
| Retail                    | £123               |
| Employment                | £11                |
| Other non-residential use | £43                |

| Land Use                 | Contribution per unit |
|--------------------------|-----------------------|
| Residential              | £3549                 |
| Residential – Affordable | £1775                 |

## 6.17

### Out-with the Perth Core Area (75% of full contribution level)

| Land Use                  | Contribution per m |
|---------------------------|--------------------|
| Retail                    | £92                |
| Employment                | £8                 |
| Other non-residential use | £32                |

| Land Use                 | Contribution per unit |
|--------------------------|-----------------------|
| Residential              | £2639                 |
| Residential – Affordable | £1319                 |

# 7. Affordable Housing



## 7. Affordable Housing

### 7.1

#### Introduction

This section sets out how the Council aims to implement Policy RD4: Affordable Housing in line with the provision of the SPP and PAN 02/2010. The need for affordable housing was assessed in the HNDAs and the 25% requirement in the affordable housing policy was based on the evidence provided within that study. This Supplementary Guidance informs the amount and type of affordable housing appropriate to each case.

### 7.2

Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with, and indistinguishable from, the market housing.

### 7.3

If the provision of the affordable on-site is not possible, the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers.

### 7.4

The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

### 7.5

#### Definition of affordable housing

SPP and PAN 2/2010 broadly defines affordable housing as "...housing of a reasonable quality that is affordable to people on modest incomes. In some places, the market can provide some or all of the affordable housing that is needed, but in other places it is necessary to make housing available at a cost below market value to meet an identified need".

## 7.6

Based on the definition and the guidance from the Scottish Government, the following categories of affordable housing are incorporated into the affordable housing policy:

### i)

Social rented - housing provided at an affordable rent and usually managed locally by a Registered Social Landlord (RSL) such as a Housing Association, Housing Co-operative or other housing body regulated by Scottish Government. Social rented stock is also owned and managed by local authorities;

### ii)

New Supply Shared Equity (NSSE) - the owner purchases part of the dwelling, with the remaining stake funded by the Scottish Government or the Council through an agreement with the owner. Unlike shared ownership, the owner pays no rent for the equity stake, which is retained by the Scottish Government/Council. Instead, the owner owns the home outright, but the Scottish Government/Council holds a security over the proportion it has funded;

### iii)

Mid Market Rent (MMR) or Intermediate Rent - can be housing provided with Scottish Government subsidy through an RSL intermediary. It can also be provided by a local authority or without subsidy by the developer, provided that it meets the Council's criteria for MMR requirements in the local area. It enables the tenant to pay rent levels that are set below the Local Housing Allowance (LHA) levels for the area, usually around 80% of the LHA. MMR is aimed at assisting people on low and modest incomes to access affordable rental accommodation. Scottish Government grant funded MMR projects are expected to be made available for at least 30 years;

### iv)

Subsidised low cost housing for sale (inc. plots for self-build) - a dwelling sold at a percentage discount of its open market value to households in the priority client group. Discounted serviced plots for self-build can also contribute, particularly in rural areas. A clause can be inserted in the property deeds to ensure that subsequent buyers are also eligible buyers and/or that within a certain time period, the discount amount is returned to the Council to be reinvested in future affordable housing. For such housing to count as affordable, the appropriate sale price should be informed by the HNDA and agreed by the Council;

### v)

Unsubsidised low cost housing for sale - non-subsidised affordable housing is likely to take the form of entry level housing for sale, some built at higher densities and may have conditions attached to the missives designed to maintain the houses as affordable units to subsequent purchasers. Homes delivered without subsidy may be considered to fulfil part of the overall affordable housing requirement, where it can be clearly demonstrated that they will meet the needs of, and be affordable to, groups of households identified through the housing needs assessment. Shared equity where the owner purchases part of the dwelling, with the remaining stake held by the developer is also an option. However, for the housing to count as affordable, the appropriate sale price should be informed by the HNDA; the sale price and terms and agreed by the Council to ensure that the dwelling remains subsidised at an affordable level for a period of 20 years.

## 7.7

Further detail on the guidance is provided below:

- The Council will seek an affordable housing quota of 25% on all housing sites of 5 units and above, except where the Local Development Plan varies this quota on an individual site basis or sites of 20 units or less in the City Centre Zone (Appendix 4);
- On-site provision will be preferred for larger developments (20 houses or over in Auchterarder, Blairgowrie, Crieff, Kinross, Milnathort, Perth (excluding city centre) and Scone and 10 units or over elsewhere. For smaller sites, an appropriate contribution will be sought from the developer, preferably land, for provision of affordable housing elsewhere within the housing market area. Where the affordable requirement is not for a whole number and the units are to be delivered on-site the percentage will generally be rounded to the nearest whole number with the rest payable as a commuted sum, but this will depend on the particular application;
- Where reasons are provided to the Council demonstrating that accommodation of affordable housing on a site is not possible, e.g. abnormal site costs, the following alternatives will be considered in order of preference:

1. Provision by a developer of an alternative site to accommodate affordable housing elsewhere in the housing market area (the accommodation of affordable housing by this means will be in addition to any affordable housing requirement relating to the alternative site); or
2. A financial contribution in lieu of an alternative site, to be placed in a ring-fenced account, and pooled to assist in the delivery of affordable housing on an alternative site, within the housing market area;

- Where the affordable housing quota is to be met by subsidised housing provided by a RSL (Registered Social Landlord), the land should be transferred at a value relating to the end use for affordable housing or by agreement between the developer and RSL;
- As an alternative to providing serviced land where funding is not available to an RSL, the developer may, with the agreement of the Council as Planning Authority, provide either: complete units without a subsidy transferring these to an appropriate RSL, or the Council, to manage; or provide built units for sale without subsidy. The number of completed units (built to Housing for Varying Needs standard where necessary) will be the financial equivalent to the provision of the serviced land for affordable housing, or the difference between the value of the land for affordable housing and the market value of the land for residential development in the Housing Market Area;
- On sites where affordable housing is to form part of a larger open-market housing site, or affordable housing is to be accommodated off-site on an alternative site, developers should work in partnership with a recognised RSL to present a joint application when possible. Where this is not possible, a Section 75 Planning Obligation may be sought in order to ensure the delivery of the affordable housing element;
- Where agreed, a developer may provide part of their affordable housing contribution as unsubsidised low cost housing for sale. Where this method of provision is appropriate, the developer will need to agree the appropriate sales price in advance with the Council which should be informed by the HNDA; an agreed marketing strategy and the priority client group will also need to be agreed by the Council.

## 7.8

### The delivery of affordable housing

Developers are encouraged to contact the Council at an early stage (see Appendix 7 Useful Contacts) to discuss the affordable housing requirement for their site.

## 7.9

A sequential approach will be applied to the delivery of affordable housing:

1. the provision of affordable housing on-site;
2. the provision of affordable housing off-site;
3. commuted sum.

## 7.10

The final decision on the type of affordable housing provision on a site is intrinsic to the determination of the planning application and cannot therefore be completely separated from this process. However, the importance of giving developers clarity and certainty as early as possible in the design and planning process as to the type of provision which will be acceptable is recognised. Where a developer seeks to depart from the policy and provide the affordable contribution through alternative means, this will require Committee approval.

## 7.11

Where an RSL is involved, developers should enter into partnership / discussion with them at an early stage to ensure that the development is providing the type and size of affordable housing required to meet the needs in the area and that the Scottish Government's funding requirements are met. It is recommended that as a matter of good practice, RSLs prepare a brief for sites in which they are involved to set out the preferred housing mix, amenities required and design standards / specifications.

## 7.12

In order to help planning applications proceed smoothly, developers are encouraged to submit an Affordable Housing Proposal to the Council.

## 7.13

### Affordable Housing Credit system

A 'credit system' where a developer can group together the affordable contributions from a number of sites was agreed at Enterprise & Infrastructure Committee in January 2008. It means that some sites, where the need for affordable housing is greatest, could be developed wholly for affordable housing. This also has advantages for RSLs from a management point of view and can bring forward affordable housing earlier.

## 7.14

The Council is therefore prepared to consider 'credit proposals' from developers. The preferred method will be where a developer puts forward a complete package of sites indicating those which are to be developed wholly for affordable housing or which will have an increased affordable housing percentage, and those which are to be developed wholly for private housing or with a reduced affordable percentage. This will enable the Council to assess the merits of the complete package. The number of affordable units proposed overall should be at least equivalent to 25% affordable housing contribution. Specifically, in working up credit proposals, but also in more general terms, developers are urged to take a wide view of their land banks and potential development opportunities to assemble projects that provide best fit in terms of site location and project viability.



## 7.15

It is recognised that it will not always be possible for a developer to identify at the outset those sites which will be included in a credits package and may instead wish to proceed on a site by site basis. In such circumstances, the affordable housing credits must be built up in advance of the private sector development. Proposals to build the affordable housing element retrospectively will not be permitted. In addition the following will apply:

- The guidance indicates that on-site provision will be preferred on sites of 20+ in the larger settlements. However, in order to give more flexibility where a developer has already built up affordable housing credits, it is proposed that they will normally be permitted to be used on sites of up to 50 houses (a mix of tenures will still be required on sites of 50+ units but partial use of credits will be permitted);
- The Council will define the area within which credits can be used – this will be assessed on a site-by-site basis but will generally be within the same housing market area as the credits were accrued;
- Credits accrued will be valid for a period of 10 years, in exceptional circumstances this period may be extended by Council permission;
- Only those additional affordable houses (over and above the 25% required by the affordable housing policy) which are granted planning consent from January 2007 onwards will be counted as affordable housing credits;
- The Council's written agreement to units being counted as affordable credits will be required;
- The Council will need to be satisfied that the houses being put forward as credits are affordable and / or the land transferred to an RSL for the credits is done so on the basis of affordable land value, not at market value;
- The acceptability of an alteration to the normal 75% / 25% private affordable split, as required by the affordable housing policy, will depend on the location of the site and need for affordable housing within the area as well as all other planning requirements.

## 7.16

It is acknowledged that the affordable housing credit system has the potential to benefit developers in terms of increased flexibility, and RSLs in terms of better and more efficient management of houses. However, the Council has to ensure that the situation does not arise whereby developers are able to 'pick and choose' where to locate affordable housing rather than this being informed by the HNDA as this could ultimately lead to a lack of affordable housing in some areas where it is most needed. In this respect, the building up of credits will be at a developer's own risk and it must be accepted that having credits does not necessarily mean that it will be acceptable to build a larger number of private houses on any site of their choosing.

## 7.17

### Commuted sum

It is important to note that it will only be in limited circumstances that the Council will accept the payment of a commuted sum in lieu of the provision of affordable housing on or off-site. One of the primary obstacles to the delivery of affordable housing in Perth and Kinross is the difficulty which RSLs experience in being able to compete with private developers to acquire land. This, coupled with the importance of creating socially inclusive and mixed communities, means that the Council will generally always seek the provision of affordable housing on-site or on an alternative site within the Housing Market Area and that the payment of a commuted sum will be a last resort.

## 7.18

The instances where a commuted sum may be acceptable include:

- where a development is in a remote rural setting or out with a settlement where it is difficult to access services;
- where it is a very small development and economies of scale make the management of small and sporadic units, creating affordability difficulties for RSLs;
- where the number of units proposed are below the thresholds identified in the policy;
- Where there is a high concentration of affordable housing in the area and the provision of a commuted sum would help achieve more balanced communities elsewhere in the Housing Market Area;
- Where the Council's Housing Service recommend that this is the most appropriate form of contribution in considering the Council's strategic Housing priorities.

## 7.19

### Calculation of commuted sums

PAN 2/2010 states that commuted sum payments should be "of a value equivalent to the cost of providing the percentage of serviced land required by the policy" (paragraph 22). On this basis the commuted sum is the difference between the affordable land plot and the value of a plot for private development i.e. the additional amount the RSL will have to pay over and above the affordable land value to obtain the plot.

## 7.20

Research was commissioned from the District Valuer and an independent valuer to determine at what level the commuted sum should be set for each Housing Market Area in Perth and Kinross. On the basis of this research, the commuted sums are as follows:

| Housing Market Area           | Commuted Sum |
|-------------------------------|--------------|
| Strathmore & the Glens        | £11,500      |
| Highland                      | £19,000      |
| Kinross                       | £15,000      |
| Strathearn                    | £19,000      |
| Perth (Including city centre) | £26,500      |

**NB** It should be noted that these are the sums as at January 2010 and have been retained at these levels due to market conditions. Sums will require to be updated in the future and developers should see the Council's website for the most up to date figures.

## 7.21

### Phasing

Developing a larger site in phases of less than five units, specifically to avoid the application of the affordable housing policy, will not be acceptable. It is recognised that in some cases, a developer may have a valid reason for developing in small phases. In this situation, any subsequent applications submitted for additional units which are clearly part of the same development and result in the total number of units increasing to five or more will have the affordable policy applied retrospectively. Developers wishing to develop in small phases are encouraged to discuss this with the Council at the outset in order to ensure that the affordable housing contribution can be properly planned.

## 7.22

### Densities

A developer may seek to build less than five houses on a site which clearly has capacity for a larger development meaning that the affordable housing policy will not apply. It is recognised that in some locations lower density development is desirable and in such situations, the Council will take account of standard housing densities, the location of the site, the character of the surrounding area, and the type of houses proposed in determining whether the smaller number is acceptable. Where it is considered acceptable, the guidance relating to phasing above, will also apply.

## 7.23

### Houses for private rent

The Local Housing Strategy reports that letting agents and landlords in private renting view the sector as having high levels of demand. As evidenced in the current HNDA, the numbers of households in private rented accommodation is higher than the Scottish average, indeed Perth and Kinross was one of the Council areas with the largest proportions of households in the private rented sector (17.8%).

## 7.24

Whilst it is acknowledged that some developers prefer to build to rent, it is considered that private housing for rent as an affordable category is difficult to implement due to the potential difficulties in ensuring that rents remain at an affordable level i.e. a level which is comparable with Council and RSL rent levels. In such cases, developers are encouraged to contact the Council to discuss the available tenures of midmarket rent or intermediate rent, and what the levels of rent currently are.

## 7.25

Tied accommodation or properties built by private estates for essential estate workers (which are subject to occupancy restrictions) can also be included as an affordable housing contribution. Such proposals will be assessed on an individual basis and the occupancy condition may include a requirement that the landowner confirm, when requested, that the occupancy condition is being upheld. If the landowner at a later date seeks consent to remove the occupancy condition, then the Council would seek a commuted sum at whatever the rate is at that time in lieu of the affordable housing provision or the transfer of the property to an RSL at affordable housing value.

## 7.26

### Sheltered housing developments

Open market sheltered housing schemes generally meet the requirements of the more active elderly population and as such can be seen to be addressing general housing needs, not affordable housing needs. The Council will continue to seek the provision of a wide range of housing suitable for older people and recognise that it will not be appropriate to require an affordable housing contribution from some types of specialist accommodation, for example, care homes or other residential institution. However, in the case of open market sheltered housing developments, these will be subject to the affordable housing policy. Where sheltered units are to be provided as part of a mixed development and will be available through an RSL or sold at an affordable price, they may be considered as meeting the affordable requirement for the development.

## 7.27

### The retention of houses as affordable

The retention of houses as affordable in perpetuity will most easily be achieved where an RSL is involved i.e. social rent or some form of shared equity involving grant assistance from Scottish Government which allows for grant funding to be returned to the Scottish Government should the house be sold within a specified period. It is acknowledged it is harder to achieve affordability in perpetuity in the case of discounted for sale, shared equity or unsubsidised houses.

## 7.28

Houses which fall into the unsubsidised low cost housing for sale category are smaller less expensive houses generally for entry level which are sold without any subsidy or discount. These houses may be affordable simply due to their smaller size. PAN 2/2010 suggests that some form of legal agreement may be required to retain such houses as affordable in perpetuity. However, it is considered that there will generally always be a limit on what the resale price of such houses will be. If the Council are satisfied that on resale such properties will remain at an affordable price – allowing for inflation and taking into consideration the area in which the houses are – then it is likely that, generally, it will not be necessary to impose a condition in order to maintain the houses as affordable in perpetuity.

## 7.29

In the case of subsidised low cost housing sale properties, either it is accepted that such houses will only be affordable to the first household, or a burden or condition (e.g. Deed of Condition attached to the property's Title Deeds) is put in place in the title deeds to maintain the houses as affordable in perpetuity. The Council will consider applications containing subsidised low cost housing for sale on their individual merits.

## 7.30

### Affordable house prices

Analysis was carried out in the HNDA, using a year dataset from the Register of Sasines over the period 2011 to 2013. This highlighted that median house sales for properties were higher than the affordable mortgage in all Housing Market Areas. In Highland Perthshire, median house sales were around 65% higher than the affordable mortgage. For information, the HNDA examples (2011 to 2013) the average house price in Perth and Kinross was £180,000.

## 7.31

Since 2011, the numbers of house sales have continued to be well below pre-recession levels with actual decreases from 2011 to 2012 before recovering in 2013. However, at all levels (lower quartile, median, mean and upper quartile) house prices have fallen from 2011 to 2013. The gap between lower and upper quartile prices has been reduced from £125,000 in 2011 to £106,000 in 2013.

## 7.32

Affordability calculations were carried out using house price and income data. This found that without significant deposits, equity or more favourable lending conditions a house priced at the lower quartile would not be obtainable to more than half the current population, with only 23% being able to purchase a median priced property. This was based on a mortgage to income ratio of 3. However, the reported ratio for Q3 2014 was 2.78 which would mean even less of the population can access the purchase market.

### 7.33

To improve accessibility to home ownership, the table below shows the maximum sales prices applicable to the low cost housing for sale options potentially available to developers.

#### **Maximum prices for houses to be purchased through the Shared Equity; subsidised and unsubsidised low cost housing for sale options.**

| Maximum price threshold | Apartment Sizes[1] | Price threshold[2] |
|-------------------------|--------------------|--------------------|
| Perth & Kinross         | 2                  | 90,000             |
|                         | 3+                 | 105,000            |

[1] The apartment size of a property means the number of rooms, but does not include kitchens or bathrooms. For example, a flat with 2 bedrooms and 1 living room would be a 3 apartment property.

[2] The maximum price threshold is calculated on the basis of the mean income for Perth and Kinross (£36,014 CACI Paycheck September 2015) multiplied by the average mortgage multiplier of 2.78 (Scottish Housing Market Review Q4 2014) an addition of 5% is then added as the minimum deposit that would be required.

### 7.34

#### Marketing and identification of priority client groups

Where the affordable housing proposed is unsubsidised or subsidised low cost housing for sale, there will be further requirements in terms of the marketing of the affordable housing and the identification of the priority client groups. Developers are asked to contact the Council's Housing Service or Affordable Housing Enabler for further details on this.

### 7.35

In general, the priority client group is taken to mean people on modest incomes (income threshold to be assessed, by Housing & Community Care) who are either first time buyers; or persons who currently own their own home, but require a new home following a significant change in their household circumstances; or persons with a disability who own a house which does not meet their particular needs; and who are in the following priority:

1. Council or RSL tenants who currently live in Perth and Kinross; or
2. Council or RSL waiting list applicants who have an established local connection to Perth and Kinross and who have requested Perth and Kinross as an area in which they wish to be houses; or
3. Residents of Perth and Kinross

### 7.36

The property must be the applicant's permanent home and not used as a second home or let out. The size of the property allocated should be appropriate to the size of the household.

### 7.37

Where developers are required to submit a marketing strategy to the Council for approval, this must indicate the advertising, marketing periods and application process for the relevant units. Prior to submitting a marketing strategy, developers are urged to contact the Council's Housing Service or Planning Officer - Affordable Housing Enabler to confirm the relevant time periods and priority client groups etc.

## Appendix 1 – Education Requirements

### Developer contributions requirements for individual schools

Version 2: 2016

Next Review: 2017

To assist applicants with the preparation of development costs, the following schedule showing the school catchment areas where contributions will be sought.

This schedule is based on schools which are currently operating at above 80% and the cumulative impact of extant planning permissions and Local Development Plan allocations result in the school projected to be operating at or above 100% of total capacity.

Where the Council has invested in Primary Schools to support future development a contribution will be sought from new development within the relevant primary school catchment. These schools are identified below:

- Abernethy Primary School – Extension to school built
- Alyth Primary School – New School built with capacity for expansion
- Crieff Primary School – New School built with capacity for expansion
- Errol Primary School – Extension to school built
- Inchture Primary School – Extension to school built
- Kinross Primary School – Replacement school programmed 2017
- Tulloch Primary School - Replacement school programmed 2017

| Primary School                     | Primary School Capacity | Projected School Roll 2021/2022 | Additional pupils from new housing 2015-2025 | Places available up to 2027 |
|------------------------------------|-------------------------|---------------------------------|----------------------------------------------|-----------------------------|
| <b>Breadalbane Academy Cluster</b> |                         |                                 |                                              |                             |
| Breadalbane                        | 302                     | 215                             | 132                                          | -45                         |
| <b>Crieff High Cluster</b>         |                         |                                 |                                              |                             |
| Crieff                             | 466                     | 396                             | 158                                          | -88                         |
| <b>Auchterarder CS Cluster</b>     |                         |                                 |                                              |                             |
| Auchterarder                       | 514                     | 363                             | 243                                          | -92                         |
| Blackford                          | 75                      | 64                              | 59                                           | -48                         |
| Dunning                            | 125                     | 114                             | 33                                           | -22                         |
| <b>Pitlochry High Cluster</b>      |                         |                                 |                                              |                             |
| N/A                                | N/A                     | N/A                             | N/A                                          | N/A                         |
| <b>Blairgowrie High Cluster</b>    |                         |                                 |                                              |                             |
| Alyth                              | 279                     | 217                             | 150                                          | -88                         |
| Burrelton                          | 98                      | 91                              | 20                                           | -13                         |
| Newhill                            | 423                     | 411                             | 145                                          | -133                        |

| Primary School | Primary School Capacity | Projected School Roll 2021/2022 | Additional pupils from new housing 2015-2025 | Places available up to 2027 |
|----------------|-------------------------|---------------------------------|----------------------------------------------|-----------------------------|
|----------------|-------------------------|---------------------------------|----------------------------------------------|-----------------------------|

#### Kinross High Cluster

|            |     |     |     |     |
|------------|-----|-----|-----|-----|
| Arngask    | 98  | 81  | 19  | -2  |
| Cleish     | 64  | 53  | 16  | -5  |
| Kinross    | 530 | 457 | 96  | -23 |
| Milnathort | 257 | 212 | 133 | -94 |

#### Perth Grammar Cluster

|          |     |     |     |      |
|----------|-----|-----|-----|------|
| Luncarty | 194 | 147 | 105 | -58  |
| Murthly  | 73  | 64  | 25  | -16  |
| Tulloch  | 373 | 352 | 140 | -119 |

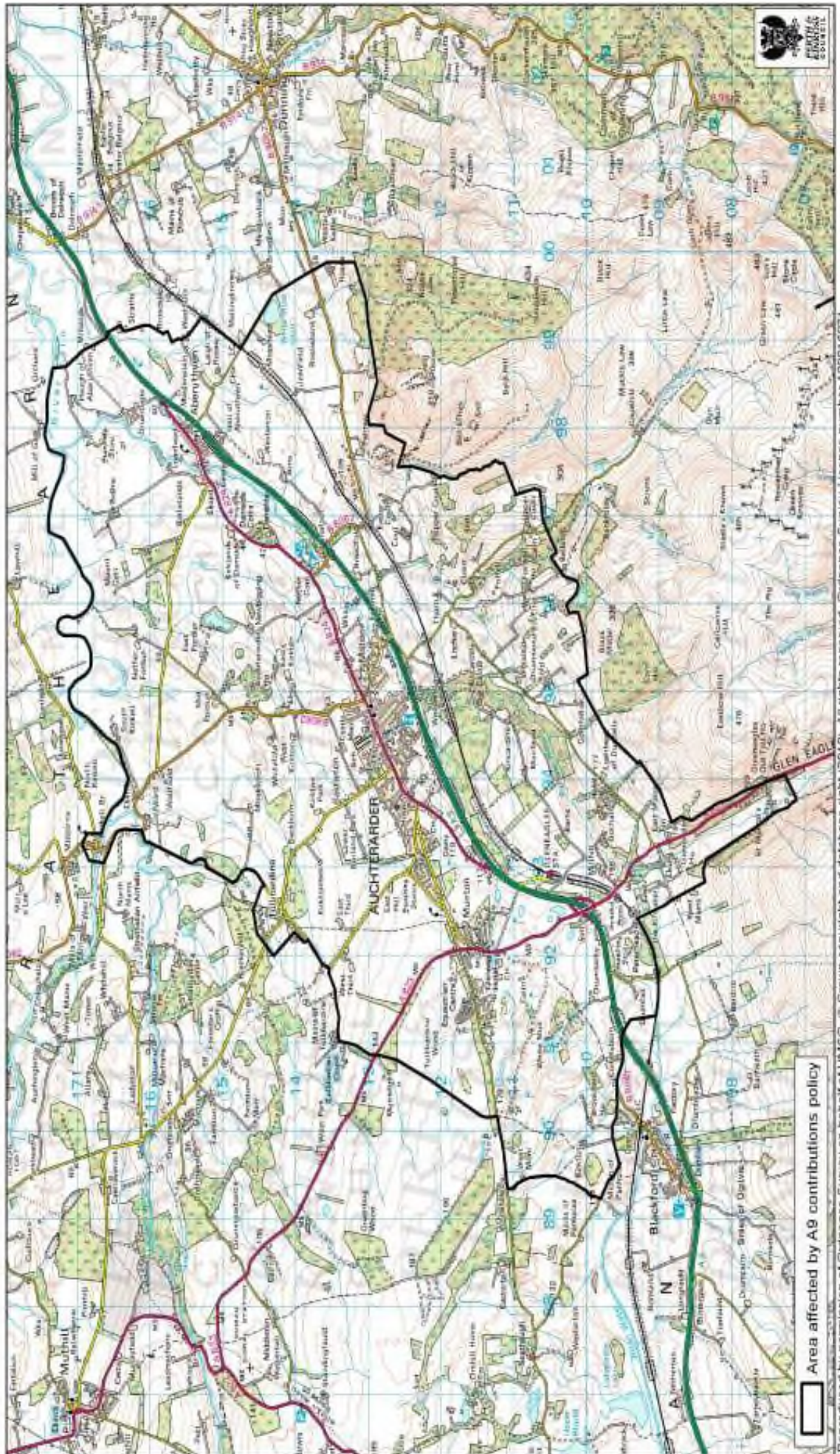
#### Perth Academy Cluster

|                         |     |     |    |     |
|-------------------------|-----|-----|----|-----|
| Balbeggie               | 73  | 50  | 39 | -23 |
| Guildtown               | 46  | 20  | 37 | -15 |
| Robert Douglas Memorial | 408 | 455 | 52 | -99 |

#### Perth High Cluster

|           |     |     |     |     |
|-----------|-----|-----|-----|-----|
| Abernethy | 283 | 158 | 22  | 103 |
| Craigie   | 217 | 173 | 92  | -48 |
| Dunbarney | 207 | 206 | 63  | -62 |
| Errol     | 217 | 211 | 102 | -96 |
| Inchture  | 264 | 207 | 21  | 36  |
| Inchview  | 418 | 387 | 97  | -66 |
| Kinnoull  | 203 | 165 | 54  | -16 |
| St Madoes | 150 | 150 | 12  | -12 |

# Appendix 2 – A9 Junction Supplementary Guidance Boundary

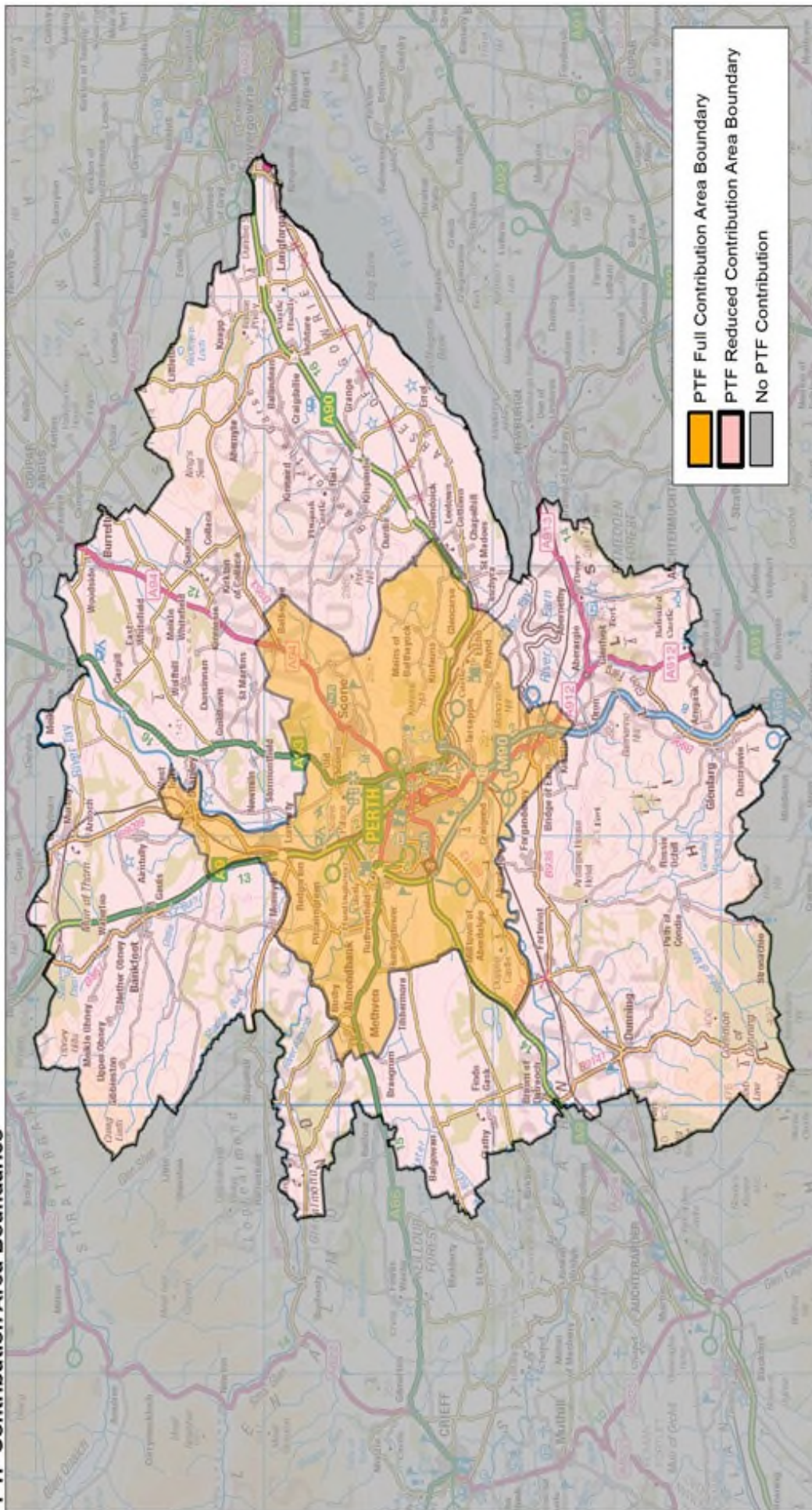


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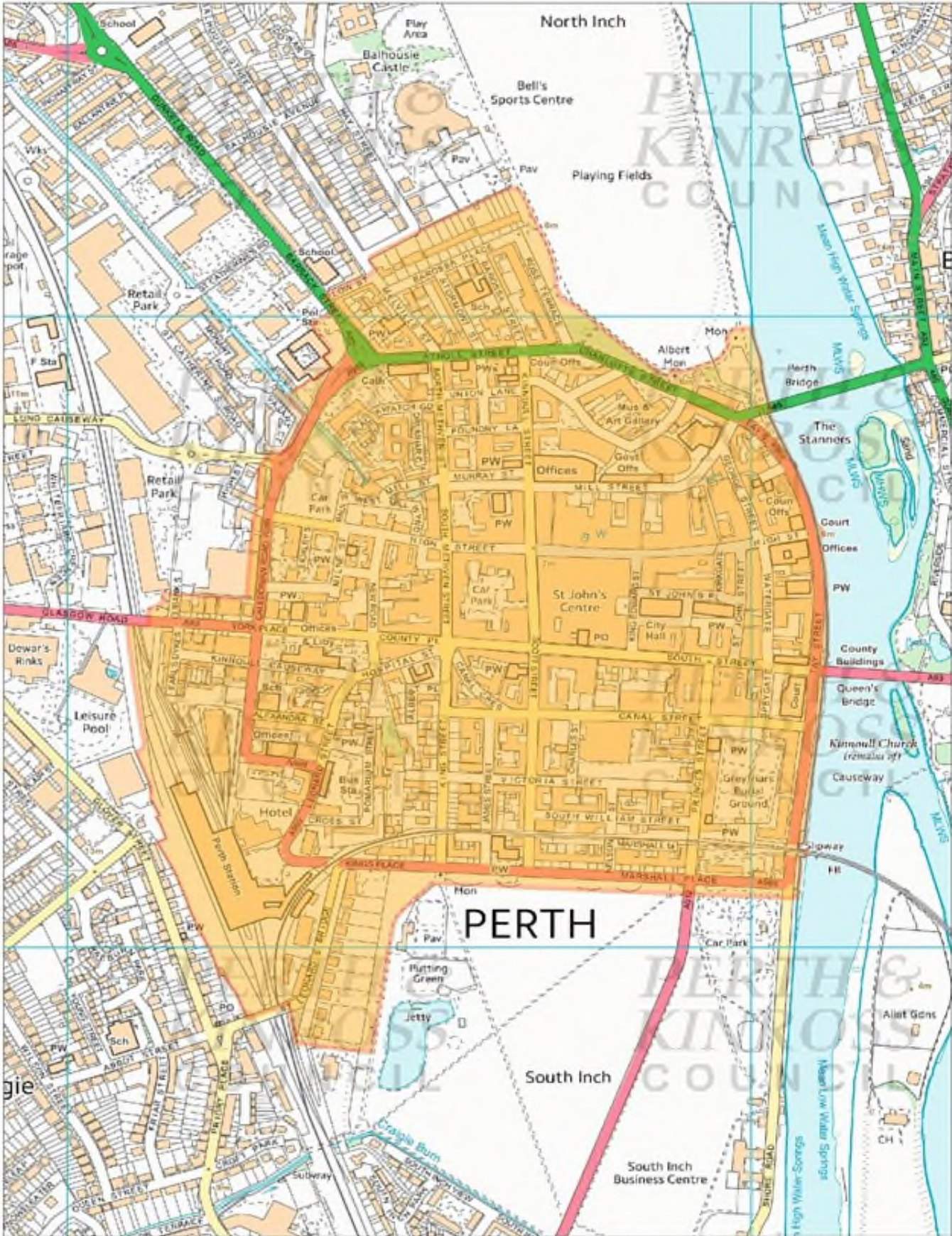
# Appendix 3 – Transport Infrastructure Application Area

PTF Contribution Area Boundaries



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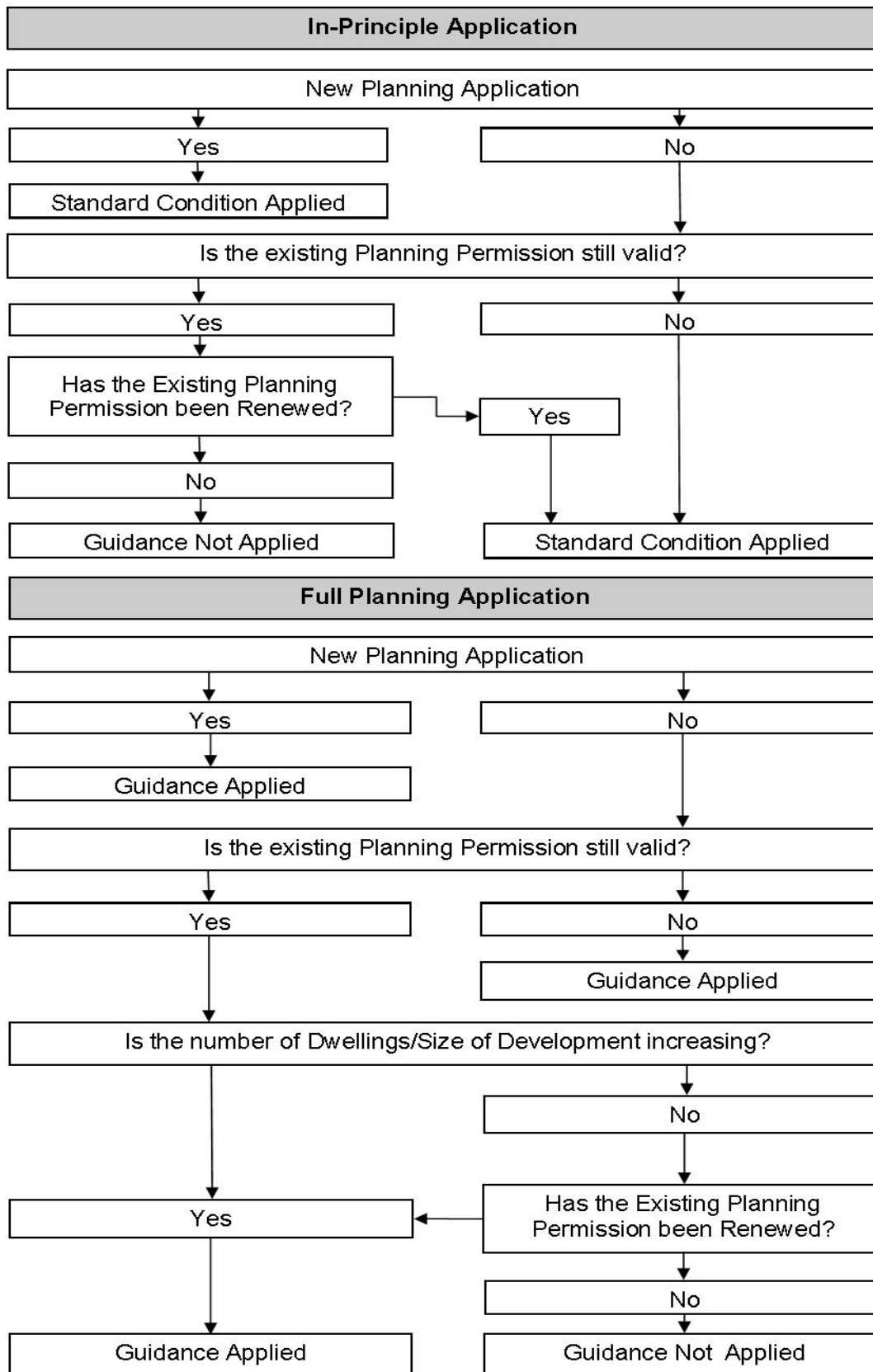
# Appendix 4 – Perth City Centre Zone



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↑ Scale: 1:7,000

## Appendix 5 – Application of the Supplementary Guidance to Planning Applications



## Appendix 6 - Gross Internal Area Definitions (GIA)

GIA is the area of a building measured to the internal face of the perimeter walls at each floor level. Including:

- Areas occupied by internal walls and partitions
- Columns, piers, chimney breasts, stairwells, lift-wells, other internal projections, vertical ducts, and the like
- Atria and entrance halls, with clear height above, measured at base level only
- Internal open-sided balconies, walkways, and the like
- Structural, raked or stepped floors are property to be treated as a level floor measured horizontally
- Corridors of a permanent essential nature (e.g. fire corridors, smoke lobbies)
- Mezzanine floor areas with permanent access
- Lift rooms, plant rooms, fuel stores, tank rooms which are housed in a covered structure of a permanent nature, whether or not above the main roof level
- Service accommodation such as toilets, toilet lobbies, bathrooms, showers, changing rooms, cleaners' rooms, and the like
- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Integral Garages
- Conservatories

### Excluding:

- Perimeter wall thicknesses and external projections
- External open-sided balconies, covered ways and fire escapes
- Canopies
- Voids over or under structural, raked or stepped floors
- Greenhouses, garden stores, fuel stores, and the like in residential
- Areas with headroom of less than 1.5m are excluded except under stairs.

*The GIA of all developments will be calculated in line with the RICS Code of Measuring Practice, 6th Edition, 2007.*

## Appendix 7 - Useful Contacts

Developer Negotiator

Tel: 01738 475381

Email: [TESDevelopmentContributions@pkc.gov.uk](mailto:TESDevelopmentContributions@pkc.gov.uk)

Affordable Housing Enabler

Tel: 01738 476405

Email: [TESDevelopmentContributions@pkc.gov.uk](mailto:TESDevelopmentContributions@pkc.gov.uk)

**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Local Development Plan  
Action Programme Biennial Update:  
Delivery and Implementation of the Local Development Plan****Report by Director (Environment)**

This report provides a biennial update on the delivery and implementation of the Local Development Plan through the Action Programme, previously considered by Enterprise and Infrastructure Committee on 2 April 2014. This report focuses on the implementation of the Local Development Plan and provides an overview of development activity throughout Perth and Kinross.

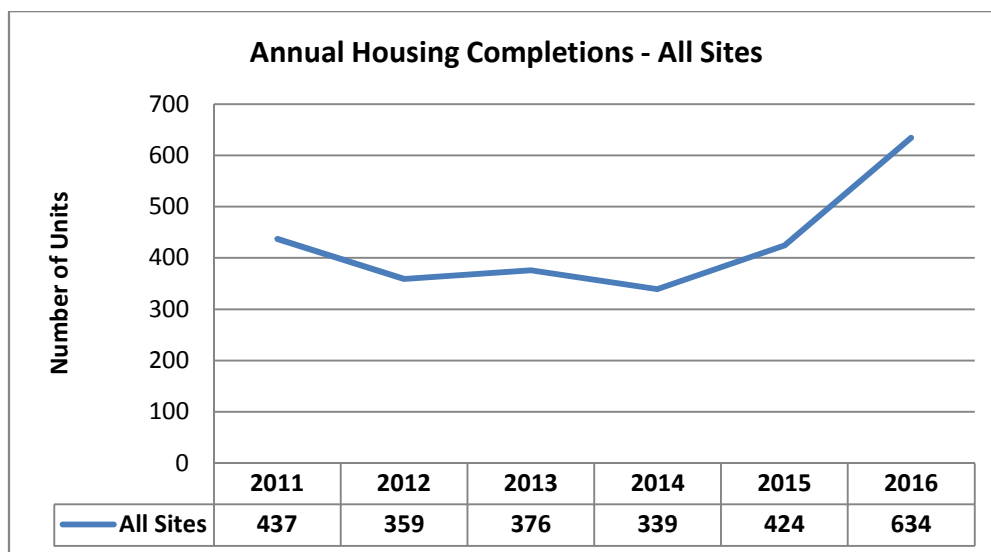
**1. BACKGROUND / MAIN ISSUES**

- 1.1 The first Perth and Kinross Local Development Plan (LDP) was adopted on 3 February 2014. The Action Programme is an accompanying document that acts as a delivery mechanism for development sites identified in the LDP and monitors the progress with allocated sites. Legislation requires regular updating of Action Programmes, at least every 2 years.
- 1.2 In the report presented to Enterprise & Infrastructure Committee on 2 April 2014 (Report 14/148 refers), Perth and Kinross Council agreed to take an extra step to ensure the Action Programme is effective and publishes an updated version every six months. The most recent version of the Action Programme was published in April 2016 and is available at the following link: <http://www.pkc.gov.uk/article/2279/Local-Development-Plan---Action-Programme>
- 1.3 The Action Programme, in addition to considering all the identified sites within the LDP, also comments on policy monitoring and Supplementary Guidance. Both of these areas of work have been reported separately to the Council in the Monitoring Report associated with LDP2 and the annual progress report on Supplementary Guidance.
- 1.4 As well as the Action Programme monitoring the progress of LDP sites, the Housing Land Audit (HLA) and the Employment Land Audit (ELA) is also used to ensure our housing and employment land supply remains effective. While the Action Programme only comments on the new sites identified within the LDP, both of the above audits comment on the historic sites still under construction.
- 1.5 This report will focus on the delivery and implementation of the LDP, providing an overview of each LDP site. It will also comment on other key sites identified in the Housing and Employment Land Audits.

## 2. PROGRESS UPDATE AND DELIVERY OF LDP

- 2.1 In the year following adoption of the LDP, there was limited evidence of progress on the new sites identified in the plan. However, in the past year progress and delivery of LDP sites has been improving, particularly the larger developer-led sites. This is a reflection of the time taken to bring forward major sites and evidence of increasing confidence in market conditions.
- 2.2 Some of the sites that have repeatedly shown no progression were noted in the Monitoring Report which was prepared in association with the Main Issues Report for LDP2. Assurances that these sites are effective and can be brought forward within the life of LDP2 are being sought. Where this is not forthcoming, consideration may be given to their removal from the new Proposed Plan. This will be reported to the Council in late 2016.
- 2.3 Overall, there has been a significant increase in housing activity over the last year. The final count of completions for 2015/16 on sites of 5 or more houses is 524, showing a 53% increase from the previous year (2014/15 completions were 343). The completion number for small sites (less than 5 units) have remained relatively stable in recent years at around 100 units per annum, peaking at 110 for 2016. The overall total of completed housing sites, show 634 housing completions for 2015/16, an increase of 49.5% since 2015.

Graph 1: Annual House Completions from 2011-2016



Source: PKC Housing Land Audit 2016

- 2.4 Evidence of an increase in development activity is also echoed in the construction value associated with building warrants submitted during the last year. The cost of works for building warrants in 2014/15 was £155,262,716 whereas this figure increased to over £250 million for the 2015/16 period – an increase of over £95 million.

## **Update on Transport Projects**

- 2.5 There are a range of key transport projects highlighted in the National Planning Framework and the LDP. The nature of these projects means they have a long lead in time, particularly where they are on or adjacent a Trunk Road or the rail network. Despite this, significant progress has been made on a number of projects as discussed below.
- 2.6 The Council is seeking to promote the development of an integrated bus and rail station, combined with commercial and residential opportunities at Perth Rail station and adjoining sites. A working group with Network Rail, Abelio, Tactran and the Council has met, and will continue to meet at regular intervals.
- 2.7 Network Rail are currently taking forward their Route Study for Scotland which includes potential infrastructure improvements between Dunblane and Perth in the form of electrification (Report No.16/132 refers). This will also necessitate a major operational review of the existing station platforms and buildings. Network Rail are currently drafting up indicative proposals for the station for the Council to consider. This will likely involve major modifications or removal of the existing bus station on Leonard Street with a potential new facility integrated within the rail forecourt.
- 2.8 The improvements at Gleneagles Rail Station have been completed.
- 2.9 The rail station at Oudenarde has been investigated as part of a joint study with Fife Council and the two Regional Transport Partnerships. Discussions on taking this forward are planned for later this year, after the publication of Scot Rail's upgraded timetable for 2018.
- 2.10 The Walnut Grove Park and Ride site has recently secured planning consent and discussions are being taken forward with the landowner with respect to acquiring the land for the facility.
- 2.11 The Cross Tay Link Road (CTLR) is currently at draft DMRB2 (Design Manual for Roads and Bridges) level which identifies a corridor route for the road. It is the intention to present a report in the near future outlining the work to date and next steps, including the submission of a planning application.
- 2.12 Capital funding has recently been approved in the Composite Capital Budget 2016/17-2022/23. The required deficit funding for the CTLR features within the Tay Cities Deal bid document and discussions are ongoing with the Scottish Ministers.

- 2.13 Transport Scotland is currently investigating options for the section of A9 between Keir Roundabout and Tibbermore. While this commenced in February 2013, the Council has yet to see the outputs from the study and continues to press Transport Scotland for feedback. With no progress from Transport Scotland on the Tibbermore to Luncarty section of the A9, including Broxden and Inveralmond, the Council agreed to part fund the examination of at grade improvements. This has developed a series of measures including the signalisation of Broxden. Discussions are ongoing with Transport Scotland on these proposals.
- 2.14 Berthapark has a detailed consent for Phase 1 and will tie into the first phase of Perth's Transport Futures project encompassing a new grade separated junction on the A9 and a new road bridge over the River Almond connecting to Berthapark. The contract has now been issued for the A9/A85 project and is projected to be on site this Autumn.
- 2.15 The A9 dualling from Perth to Inverness Route has been divided into three contracts based on length of the road works. The Luncarty to Pass of Birnam contract has Ministerial Approval and tendering can commence. Construction is anticipated to commence here in 2017. The Birnam to Tay Crossing section is the most challenging section of the A9 upgrade, due to the proximity of the rail station and existing dwelling houses in Birnam. The preferred route option selection is programmed for autumn 2016 with development of the detailed design and statutory processes programmed for completion by winter 2018.
- 2.16 The Tay crossing to Ballinluig contract is currently at the community engagement stage to determine the side road and related access details. This work is anticipated to be complete in late 2016. This statutory process is expected to be completed between summer 2017 and winter 2018 with construction thereafter. The Pitlochry to Killiecrankie section is at a similar stage.

### **LDP Housing Market Areas Progress - Perth Area**

- 2.17 The past year has shown significant progress on a range of development sites within the Perth Area. Housing completions are up from 190 in 2014/15 to 287 in 2015/16. The key highlights in the Perth Area are as follows:

#### **Housing**

- 2.18 New housing developments have recently been completed at St Mary's Monastery (19 units), at Friarton Hall (75 units) and Cherrybank (90 units).
- 2.19 At Broxden, Bellway Homes have planning consent for phase 1 and the erection of 164 new houses (LDP site MU1) and began construction earlier this year.



- 2.20 Construction will also commence at Oudenarde in 2017 with over 100 units expected in the first phase. 110 affordable housing units have already been completed on-site.
- 2.21 Almond Valley Village (LDP site H73) is an allocated housing site with capacity to deliver 1500 houses. In May 2016, the Council refused an application for planning permission in principle for residential development, including school and community facilities. An appeal by the developer has now been lodged with DPEA.
- 2.22 Springfield Properties are progressing with development at Berthapark, with an application for planning permission in principle approved by the Development Management Committee in May 2016 and detailed planning approved for Phase 1 of the development. The Section 75 is in the process of being finalised to enable the consent to be issued. The Berthapark site will commence on site later this year, providing 3000 new homes, education facilities, a neighbourhood centre and 25 hectares of employment land for the wider Perth area.
- 2.23 A Proposal of Application Notice (PAN) has been submitted for the following sites and further planning applications are expected late 2016:
- Scone North (LDP Site H29)
  - Newton Farm (LDP Site H71)
  - Luncarty South (LDP Site H27)

### **Employment Land**

- 2.24 Perth Food and Drink Park comprises approx.15 acres of serviced business land with 11 plots. In March 2016, the Property Sub Committee approved Heads of Terms for the sale of Plots 1 & 2 to allow the expansion of a local food distribution company. The sale will be subject to finalising a missive and will be subject to a 24 month Development Licence.
- 2.25 Planning permission has also been approved for the erection of six incubator business units on Plot 5, to be developed by the Council. It is envisaged that the incubator units will be fitted to food industry standards and let out by Perth and Kinross Council to food and drink related businesses.
- 2.26 There are proposals for the Council to develop the River Tay Heat Pump and Network and solar farm project to be deployed at North Muirton as part of the Tay Eco-Valley initiative. A feasibility study was completed in March 2015 confirming this transformational project will become one of the demonstrators of the wider Tay Eco-Valley initiative, helping to establish Perth as a leading eco-innovation living lab in the UK.
- 2.27 A solar farm at the Food and Drink Park will use part of a plot which is more difficult to commercialise due to its location and shape. The projects are currently at Phase 2 with the creation of a detailed business case along with funding streams being sought.

- 2.28 There is also progression with the employment land at the Broxden Business Park with a planning application submitted for 4 new business units for Class 4 uses and approval for a restaurant, pub and drive through coffee outlet. Individual applications are being progressed for the remaining vacant plots.

### **Mixed Use and Retail**

- 2.29 A mixed use development is progressing at Thimblelow, incorporating commercial leisure facilities, housing, restaurants and a multi storey car park. Final terms are in the process of being negotiated, a PAN has been submitted and a full planning application is awaited.
- 2.30 St Catherine's Retail Park has been upgraded and is now fully let. Consents are in place for changes to several units in the form of either external alteration for modernisation and/or change of use. Similarly, units at the Highland Gateway Retail Park have attracted additional occupiers.

### **Highland Perthshire**

- 2.31 There is a unique combination of constraints in the Highland area, which can limit the effectiveness or ability to deliver larger scale housing sites, increasing the importance of smaller sites within this area. Highland Perthshire is the only area within the Council with housing completions on sites of 5 or more have dropped from 14 units in 2014/15 to 6 units in 2015/16.
- 2.32 The Housing Land Audits indicate that between 2011-2016, small sites have contributed to an average of 34% of the supply – demonstrating the importance of smaller sites in Highland Perthshire. For comparison, the figure for the same period in the Perth HMA is 14%. The number of housing completions on all sites has dropped from 55 units in 2014, to 29 units in 2016.

### **Housing**

- 2.33 In Aberfeldy, Bolfracks Estate have recently had their planning permission in principle approved for 80 houses, with additional affordable housing, at Duntuim Farm, south of Kenmore Road (LDP site H37). There is also pre-application discussion underway with A&J Stephen for housing at Middleton of Fonab (LDP site H38).

### **Retail**

- 2.34 A site is proposed in the adopted LDP for a retail foodstore as there is an identified need for this in Pitlochry. The site has consent for a supermarket and work had commenced. However the operator is not proceeding due to market conditions. Nonetheless, the site remains the best opportunity for a foodstore in Pitlochry.

## **Kinross-shire**

- 2.35 Housing completions in Kinross-shire have increased from 26 in 2014/15 to 66 in 2015/16 and completions are projected to rise in the next few years. Within the housing completions for the last year, 51 of these have been in Kinross and the remaining 15 have been in the landward area. An upgrade of Kinross Primary School is also programmed for 2018. The key highlights within Kinross-shire are as follows:

### **Housing**

- 2.36 GS Brown has recommenced development at Station Road and also commenced work at the former Health Centre (LDP site Op14) for a nursery, 16 residential flats and a retail unit.
- 2.37 Persimmon have submitted planning applications for Lathro Farm (LDP site H47) which is currently being assessed and will go to Development Management Committee later this year. In addition, a planning application has been recently approved for the Former High School (LDP site H75), including the retention/ conversion of the important frontage building. There is potential to provide 391 new houses between the two Persimmon development sites in Kinross.

### **Employment Land**

- 2.38 The recent servicing of sites and completion of the south link road opened up the employment land between Kinross and the M90 (LDP Site E18). The Webster Group gained planning permission for the northwest plot for an office building in November 2015, whilst the north east plot was approved for a dance studio in February 2015.

## **Strathearn**

- 2.39 Housing completions in the Strathearn Area rose from 84 in 2014/15 to 115 in 2015/16, with the majority of these being in Auchterarder. A new replacement primary school in Crieff has also been completed, creating capacity for future growth in Crieff.

### **Housing**

- 2.40 LDP site MU7 at Broich Road in Crieff is allocated as a mixed use site with capacity to deliver over 300 houses and a minimum of 5ha of employment land. In July 2015, an application for planning permission in principle for a mixed use development including housing and employment uses was submitted by the landowner. This was approved in December 2015.
- 2.41 A PAN has also recently been submitted by GS Brown for housing at Wester Tomaknock (LDP site H57).

- 2.42 In Auchterarder, Robertson Homes have commenced 143 houses at Townhead (LDP Site Op20). The other two large housing development sites in Auchterarder are at Kirkton and Castlemains, both of which are under development by Stewart Milne Homes and Muir Homes respectively. These were not allocations in the LDP because planning permission had been granted prior to the LDP's adoption.

### **Retail**

- 2.43 Planning permission has been granted to SC Crieff Limited for the erection of two foodstores at Broich Road, reconfiguring the existing consent to meet the identified need for a food retailers.
- 2.44 The neighbouring employment site (LDP Site E27) has also recently been subject to a planning application from Aldi for the erection of two retail units, although this was refused as it does not accord with the LDP. It will be reconsidered at the Local Review Body.

### **Strathmore and the Glens**

- 2.45 Progress has been slower within Strathmore and the Glens with no major housing sites coming forward although housing completions have still increased from 29 in 2014/15 to 37 in 2015/16. However, a large scale south eastern expansion in Blairgowrie was promoted through the Main Issues Report and the delivery of other sites may be awaiting the outcome of this.
- 2.46 Blairgowrie and Rattray Community Council recently held a community-led charrette which should help shape the future of the area and promote co-operation between the community and active developers.

### **Housing**

- 2.47 A PAN was submitted for Western Blairgowrie (LDP Site MU5) in 2014 and a masterplan is expected to be submitted in late 2016. A PAN has recently been submitted for Glenalmond Road, Rattray (LDP Site H63).
- 2.48 Blairgowrie South (LDP Site H64) stalled during the recession and has shown little progress since. An extension to this site was promoted through the Main Issues Report.
- 2.49 There is no progress with any development sites in Alyth. Outwith Alyth, the Glenisla Golf Course has consent for over 200 houses, although this consent is soon due to expire and no progress has been made on site.

### **Employment Land**

- 2.50 In Blairgowrie, all the Council owned sites at Welton Road are now sold and there is a need to accelerate discussions on a potential extension to the wider site.

### **3. FUTURE ACTIONS AND PROPOSALS**

- 3.1 We are seeking to better understand the deliverability of housing sites with the introduction of Delivery Strategies. Delivery Strategies, which are supported by the Scottish Government, would identify how the development would be implemented, potential constraints and how they can be resolved, infrastructure requirements, development phasing and any likely developer contributions. Progress would be monitored on a 6 monthly basis in line with the review of the LDP Action Programme.
- 3.2 In association with the consultation of the LDP2 Main Issues Report, officers held a workshop with developers and key agencies to discuss the potential form and content of the Delivery Strategies. There was support from all parties for the introduction of the Delivery Strategies.

#### **Future Reporting Arrangements**

- 3.3 As before, the Action Programme will continue to be updated on a regular basis and published online every 6 months – in April and October. This should ensure that the document remains robust and effective while aiding delivery of the LDP. The aim is that this will provide infrastructure providers and funders with an increased understanding of development progression and allow scope for early planning and implementation. A range of Planning Authorities have followed the Council's lead and are now also realising the value in regularly updating their Action Programme.
- 3.4 In addition to the online publication of the Action Programme on a six monthly basis, it is proposed that an update on delivery of the LDP is reported to the Enterprise and Infrastructure Committee annually in the autumn, to coincide with the publication of the Housing Land Audit and Employment Land Audit.

### **4. CONCLUSION AND RECOMMENDATIONS**

- 4.1 The Council's approach to ensuring a generous effective housing land supply and supporting development through investment in education and transport infrastructure is bearing fruit. Overall, it is evident that market conditions are improving throughout Perth and Kinross with housing completions having increased at a higher rate than the national average. In addition, the take up of employment land has been positive, as has the progress with transport projects throughout the area.
- 4.2 It is recommended that the Committee requests the Director (Environment) submits an annual progress report each Autumn to provide an insight into the implementation of the LDP.

4.3 It is recommended that the Committee:

- (i) Notes the delivery progress and successful implementation of the LDP throughout the last year in particular.
- (ii) Instructs the Director (Environment) to submit an annual report to the Enterprise and Infrastructure Committee each Autumn detailing the progress, delivery and implementation of the LDP.

**Author**

| <b>Name</b> | <b>Designation</b>                     | <b>Contact Details</b>                                                                             |
|-------------|----------------------------------------|----------------------------------------------------------------------------------------------------|
| Nicola Orr  | Planning Officer,<br>Development Plans | <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a><br>01738 475000 |

**Approved**

| <b>Name</b>    | <b>Designation</b>        | <b>Date</b>  |
|----------------|---------------------------|--------------|
| Barbara Renton | Director<br>(Environment) | 20 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 Development throughout Perth and Kinross and the Action Programme contributes to the following Perth and Kinross Community Plan / Single Outcome Agreement priorities:

- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

1.2 Development throughout Perth and Kinross and the Action Programme contributes to the achievement of the following Council's Corporate Plan Priorities:

- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

## **2. Resource Implications**

### Financial

- 2.1 There are no direct financial implications arising from this Report.

### Workforce

- 2.2 None.

### Asset Management (land, property, IT)

- 2.3 None.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The Action Programme was considered under the Corporate Equalities Impact Assessment process (EqIA) and was assessed as not being required because it is a delivery mechanism to the Local Development Plan which has already been EqIA assessed.

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 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).
- 3.5 Perth and Kinross Council has produced an SEA of the Adopted Local Development Plan and mitigation has been built into it. The Action Programme supports the Local Development Plan so no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.



### Sustainability

3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- in the way best calculated to delivery of the Act's emissions reduction targets;
- in the way best calculated to deliver any statutory adaptation programmes; and
- in a way that it considers most sustainable.

3.7 Under the Council's Integrated Appraisal Toolkit it was considered that the Action Programme seeks to ensure that the Local Development Plan achieves sustainable development through its strategies, policies and development proposals.

### Legal and Governance

3.8 None.

### Risk

3.9 None.

## **4. Consultation**

### Internal

4.1 Housing and Community Care and Education and Childrens Services are also consulted on the Action Programme.

### External

4.2 The Action Programme information request is sent out to all relevant landowners and/or developers to provide an update and feed into the content of the document.

4.3 The following Key Agencies are also consulted on the production of the Action Programme:

- Forestry Commission
- Historic Scotland
- NHS Tayside
- Scottish Enterprise
- Scottish Environment Protection Agency
- Scottish Natural Heritage
- Scottish Water
- TACTRAN
- Transport Scotland

## **5. Communication**

5.1 None.

## **2. BACKGROUND PAPERS**

2.1 The following background papers were referred to during the preparation of this report:

- PKC Action Programme April 2016
- PKC Housing Land Audit 2016
- PKC Local Development Plan 2014
- PKC Main Issues Report December 2015
- Planning Circular 6/13 Development Planning

## **3. APPENDICES**

3.1 None.

**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Loch Leven Special Protection Area and Ramsar Site, River Tay Special Area of Conservation and the Dunkeld – Blairgowrie Lochs Special Area of Conservation Non-Statutory Planning Guidance****Report by Director (Environment)**

This report provides a summary of the comments received on the Loch Leven Special Protection Area and Ramsar Site, River Tay Special Area of Conservation and the Dunkeld – Blairgowrie Lochs Special Area of Conservation Supplementary Guidance documents which were published for consultation in June 2016. It makes recommendations for changes, where appropriate. It seeks consent to finalise and adopt the Supplementary Guidance to support the Local Development Plan (adopted 3 February 2014).

**1. BACKGROUND / MAIN ISSUES**

- 1.1 Under section 22 of the Planning etc. (Scotland) Act 2006 and regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, Supplementary Guidance can be adopted and issued by a planning authority in connection with a Local Development Plan (LDP). Through the Local Development Plan, a commitment was made to provide further detail through the preparation of supplementary guidance on various areas of policy. This included the publication of three pieces of statutory supplementary guidance:
- Loch Leven Special Protection Area and Ramsar Site Supplementary Guidance
  - River Tay Special Area of Conservation Supplementary Guidance
  - Dunkeld – Blairgowrie Lochs Special Area of Conservation Supplementary Guidance.
- 1.2 The LDP sets out a list of supplementary guidance to be prepared to support the policies and proposals in the Plan, an updated programme for which was approved by the E&I Committee on 20th January 2016 (report 16/2). As part of this programme, technical changes were made to these three pieces of supplementary guidance. These changes were consulted on from 24th June – 15th July 2016. This report considers the comments that were received and suggests changes to the guidance, where considered appropriate.

- 1.3 The River Tay Special Area Of Conservation Guidance was prepared in partnership with Angus Council, SEPA and SNH. Both the Dunkeld - Blairgowrie Loch Special Area Of Conservation Guidance and the Loch Leven Special Protection Area and Ramsar Site Guidance were prepared in partnership with SNH and SEPA. All three guidance documents aim to assist developers submitting planning applications and provide details of the additional information to be submitted with planning applications in these areas. The guidance was prepared to provide information and advice for developers to ensure that their proposal will have no adverse effect on the integrity of the Special Area of Conservation (SAC) or the Special Protection Areas (SPAs). In addition to all three documents having been produced in partnership with other agencies, there was a need to open these documents to public consultation. This provided an opportunity for partners to demonstrate their support and seek technical amendments if required.
- 1.4 The three areas of Supplementary Guidance aim to protect Natura Sites. A Natura Site is either a Special Area of Conservation or a Special Protection Area. It is the highest wildlife designation as part of the Natura 2000 network – a series of sites that are internationally important for their threatened habitats or species. These higher level requirements to protect both SAC and SPAs have been transposed into the LDP through policies NE1, EP6, EP7 and EP15. Further detail on the measures required to protect these areas is available in the three supplementary guidance documents.
- 1.5 The Chief Planner wrote to all Heads of Planning on 15 January 2015 suggesting that there needs to be a different approach taken towards supplementary guidance. His letter advises that local authorities are taking different approaches to supplementary guidance, not all of which are appropriate. It states that it is “essential that supplementary guidance is limited to the provision of further information or detail and that the local development plan expressly identifies the matters to be dealt with in supplementary guidance”.
- 1.6 Having reassessed the three proposed supplementary guidance documents, they do not need to remain as statutory supplementary guidance. It was considered that these particular guidance documents rely on legislation, and their function is to give information, advice and examples to help inform the planning application process. They do not add further detail to the Local Development Plan policies; instead their focus is on providing explanation and advice which helps explain the process to developers. This does not suit or require statutory status. However, recent response from Scottish Government was that, notwithstanding the Chief Planner’s advice, they did not want the status of adopted guidance changed prior to the review of the Local Development Plan. Therefore, it is proposed that at this stage all three guidance documents will remain as statutory supplementary guidance.

## 2. KEY CONCERNS, RESPONSES AND PROPOSED CHANGES

- 2.1 The consultation period for the three supplementary guidance documents was adequately publicised through the Council's website and all those who made representations to policies EP6 and EP7 through the LDP examination process were notified, as were all Community Councils.
- 2.2 Few comments were received on this consultation due to the technical nature of the amendments; however, overall support was received for each of them. The comments received through the consultation process are shown in Appendix 1 which provides a detailed summary of all the consultation responses and the recommended Council response.

## 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 This report considers the changes to (i) the Loch Leven Special Protection Area and Ramsar Site, (ii) the River Tay Special Area of Conservation and (iii) the Dunkeld – Blairgowrie Lochs Special Area of Conservation Supplementary Guidance as a result of public consultation. Following consideration of this report, the guidance will be finalised. On completion of this process, the guidance will replace the current statutory guidance and, once adopted, they will have the same status as the Local Development Plan.
- 3.2 It is recommended that the Committee:
- i) Approves, together with those changes shown for acceptance in Appendix I:
    - (a) the Loch Leven Special Protection Area and Ramsar Site;
    - (b) the River Tay Special Area of Conservation;
    - (c) the Dunkeld – Blairgowrie Lochs Special Area of Conservation, as Statutory Planning Guidance documents with each being a key policy document to support the Local Development Plan;
  - ii) Remits the Director (Environment) to finalise the Supplementary Guidance and submit it to Scottish Minister prior to adoption;
  - iii) Remits the Director (Environment) to approve minor changes to the Supplementary Guidance, if requested by Scottish Ministers and proceed to adoption.

### Author

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### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 27 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 This section should set out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 This section should set out how the proposals relate to the achievement of the Council's Corporate Plan Priorities:
- (i) Giving every child the best start in life;
  - (iii) Promoting a prosperous, inclusive and sustainable economy;
  - (iv) Supporting people to lead independent, healthy and active lives; and
  - (v) Creating a safe and sustainable place for future generations.

### 2. Resource Implications

#### Financial

- 2.1 There are no financial implications arising from this report.

### Workforce

- 2.2 There are no workforce implications arising from this report.

### Asset Management (land, property, IT)

- 2.3 There are no asset management implications arising from this report.

## **3. Assessments**

- 3.1 An Integrated Appraisal of both the River Tay SAC Supplementary Guidance and the Dunkeld-Blairgowrie SAC Supplementary Guidance has been undertaken using the Integrated Appraisal Toolkit which combines the functions and requirements of Equality Impact Assessment, Sustainability Assessment and the pre-screening / screening for Strategic Environmental Assessment.

### Equality Impact Assessment

- 3.2 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.3 Both the River Tay SAC Supplementary Guidance and the Dunkeld-Blairgowrie SAC Supplementary Guidance was considered under the provisions of the Equality Act 2010 using the Integrated Appraisal Toolkit with the following outcome:
- (i) Assessed as relevant and the following positive outcomes expected following implementation:
- The Supplementary Guidance supports the land use policies and proposals of the LDP. The implementation of the Guidance is not determined by a person's race, gender, disability or any other protected characteristic. The benefits of both guidance documents will be equally accessible to all and therefore the Guidance should have neutral impact on the population in terms of equality.

### Strategic Environmental Assessment

- 3.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.5 This section should reflect that the proposals have been considered under the Act and no action is required. The Supplementary Guidance presented in this report has previously been screened and proposed changes are of a technical nature and will not change the content of the documents in line with the Environmental Assessment (Scotland) Act 2005.



### Sustainability

- 3.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.7 The proposals have been considered under the provisions of the Local Government in Scotland Act 2003 and the Climate Change Act using The Integrated Appraisal Toolkit. The Supplementary Guidance, which supports the policy framework set out in the Local Development Plan, which seeks to achieve sustainable development and reduce the impact of climate change through its emerging vision, strategies, policies and proposals, will have a further positive impact on sustainable development and climate change.

### Legal and Governance

- 3.8 None.

### Risk

- 3.9 None.

## **4. Consultation**

### Internal

- 4.1 None.

### External

- 4.2 SNH and SEPA drafted this document in partnership with Perth and Kinross Council. As well as this, full public consultation has been undertaken in the preparation of the supplementary guidance considered in this report. Feedback was received from the public, SNH and SEPA.

## **5. Communication**

- 5.1 None.

## **2. BACKGROUND PAPERS**

- 2.1 Local Development Plan February 2014
- 2.2 Local Development Plan Strategic Environmental Assessment
- 2.3 Letter from the Chief Planner

### **3. APPENDICES**

- 3.1 Appendix 1: Comments received on the Loch Leven Special Protection Area and Ramsar Site, River Tay Special Area of Conservation and the Dunkeld – Blairgowrie Lochs Special Area of Conservation Non-Statutory Planning Guidance documents
- 3.2 Appendix 2: SAC Dunkeld - Blairgowrie Lochs Guidance
- 3.3 Appendix 3: River Tay SAC Guidance
- 3.4 Appendix 4: Loch Leven Special Protection Area and Ramsar Site Guidance





## Comments received on the Loch Leven Special Protection Area and Ramsar Site, River Tay Special Area of Conservation and the Dunkeld – Blairgowrie Lochs Special Area of Conservation Non-Statutory Planning Guidance Documents

### Acronyms

EIA – Environmental Impact Assessment  
 LDP – Local Development Plan  
 PKC – Perth and Kinross Council  
 SEPA – Scottish Environmental Protection Agency  
 SNH – Scottish Natural Heritage  
 SPA – Special Protection Area  
 SPP – Scottish Planning Policy

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Received from | Draft PKC Officer response for SNH/ SEPA Consult                                                                                                                                                               | Change to be made to guidance |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| General Comments on all three Documents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |               |                                                                                                                                                                                                                |                               |
| We recommend rewording the second sentence of the 2nd paragraph in the “Planning authorities’ obligations” sections of all three documents, so that it reads:<br><br>“If it cannot be ascertained that a proposal will not adversely affect the integrity of the site, the proposal can only proceed if there are no alternative solutions; there are imperative reasons of overriding public interest; and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.”<br><br>This more accurately reflects the requirements of the Habitats Regulations, as explained at Paragraph 207 of Scottish Planning Policy.<br><br>We confirm our strong support for these 3 supplementary guidance documents.<br><br>We’ve received some recent ad hoc feedback on how the current guidance for developers is being used. This suggests that it could benefit from awareness raising within planning services, developers and other interested | RSPB          | All comments and suggestions made on any draft guidance documents produced and consulted on by the Council are welcomed. In this case we believe the wording included within the current document is adequate. | No                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | SNH           | Noted.                                                                                                                                                                                                         | No                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | SNH           | Noted. We will engage in discussions with SNH to try and raise awareness.                                                                                                                                      | No                            |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Received from       | Draft PKC Officer response for SNH/ SEPA Consult                                                                                                                                                                                              | Change to be made to guidance |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <p>parties - perhaps an opportune time is when this revised guidance is published? We would be pleased to discuss ways in which we can help to raise awareness and increase its effectiveness.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |                                                                                                                                                                                                                                               |                               |
| <p>As the River Tay SAC guidance is shared with Angus Council we assume that the Council is content with the technical corrections proposed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | SNH                 | Angus council have been consulted on this and are content with the proposed corrections.                                                                                                                                                      | No                            |
| <p>I can confirm we have no comments to make on the technical corrections to the Supplementary Guidance documents listed below.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Scottish Government | Noted.                                                                                                                                                                                                                                        | No                            |
| <b>Loch Leven SPA and Ramsar Guidance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                     |                                                                                                                                                                                                                                               |                               |
| <p>We welcome this proposed revised guidance, and support the application of the precautionary principle in adopting a 125% mitigation requirement to ensure no increase of phosphorus (P) in the various catchments. We support the fact that the guidance does not allow a developer to meet the requirement through agricultural change. This accords with the polluter pays principle and reflects the fact that phosphorus input reductions from agriculture is a separate issue.</p>                                                                                                                                                                                                     | RSPB                | Noted.                                                                                                                                                                                                                                        | No                            |
| <p>Section 2: 'Why is Loch Leven so important?' could be expanded, with mention of some of the key species there and the broad numbers of birds present to reflect the site's international importance. For example: "Loch Leven is internationally important for birdlife with around 35,000 waterfowl present in the winter months including over 100 whooper swans and 20,000 pinkfooted geese, 10% of the global population. In spring, the loch is also an important breeding area for up to 1,000 breeding pairs of duck, one of the largest concentrations in Europe. The most numerous are tufted duck and mallard, with smaller numbers of gadwall, shoveler, teal and shelduck."</p> | RSPB                | It is not felt necessary to go into the detail suggested in a guidance document of this nature. More information on the international importance of the Loch Leven SPA is available on SNH's website which is referenced within the document. | No                            |
| <p>Section 12: 'Further information required' could have additional text that briefly highlights that there may be other potential impacts/issues to consider and assess in relation to the SPA when considering development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | RSPB                | This is covered in the introduction to the document which states that "This guidance relates specifically to water quality of Loch Leven SPA and phosphorus entering the loch's catchment. There may be other                                 | No                            |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                          | Received from | Draft PKC Officer response for SNH/ SEPA Consult                                                                                                                                                                                                                                                                                            | Change to be made to guidance |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| proposals e.g. the qualifying features.                                                                                                                                                                                                                                                                                                                                                                                                                     |               | qualifying features of the SPA which could be affected by development proposals e.g. disturbance to birds or issues relating to flooding.”                                                                                                                                                                                                  |                               |
| In addition, we recommend that the Council considers requiring a legal agreement or a planning condition to require the developer to retain responsibility for the performance of the mitigation sewage treatment facility for a period of time after completion, as an incentive to design a system that is reliable and straightforward for owners to maintain. This could be alongside a requirement to offer advice and support on regular maintenance. | RSPB          | All comments and suggestions made on any draft guidance documents produced and consulted on by the Council are welcomed. These will be carefully considered and changes made where appropriate. Work is currently underway within the council to establish a procedure for monitoring the impact and effectiveness of policies EP6 and EP6. | No                            |
| We recommend that the photograph on page 1 is named and that a photograph of blue green algae included in order that readers can see what the algae looks like. SNH will be able to provide clarity as to the name of the plant in the photo on page 1.                                                                                                                                                                                                     | SEPA          | Noted.                                                                                                                                                                                                                                                                                                                                      | No                            |
| Within the dark green box below the flow chart on page 4 of the SG we recommend that the wording be altered to clarify that all applications will require to be licensed by SEPA. Therefore an alteration from “will require authorisation” to “will require to be licensed”.                                                                                                                                                                               | SEPA          | The guidance will be amended accordingly.                                                                                                                                                                                                                                                                                                   | Yes                           |
| Within the flow chart second box on page 5 the reference to EN12566.3 should be amended to EN12566:3. Beneath the flow chart on page 5, as per our response to your authority in May 2015, we recommend that an additional point is added which states “Mitigation calculations should be based on mean values and not on percentile figures”.                                                                                                              | SEPA          | The guidance will be amended accordingly.                                                                                                                                                                                                                                                                                                   | Yes                           |
| On reflection we require an alteration to the wording in the first paragraph of Section 8 from “Also, wherever possible, applicants seek” to “Also, it is recommended that applicants”.                                                                                                                                                                                                                                                                     | SEPA          | The guidance will be amended accordingly.                                                                                                                                                                                                                                                                                                   | Yes                           |
| <b>River Tay SAC Guidance</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |               |                                                                                                                                                                                                                                                                                                                                             |                               |
| In terms of the technical changes I note that reference has been included to the P&K LDP policy on this issue. Whilst we don't have a specific policy on this issue I think it would                                                                                                                                                                                                                                                                        | Angus Council | The guidance will be amended accordingly.                                                                                                                                                                                                                                                                                                   | Yes                           |

| Summary of comment                                                                                                                                                                                                                                                                                                                                                                                                                                 | Received from | Draft PKC Officer response for SNH/ SEPA Consult | Change to be made to guidance |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------|-------------------------------|
| be useful to include reference to policy PV4 in the Angus LDP which refers to this document.                                                                                                                                                                                                                                                                                                                                                       |               |                                                  |                               |
| On page 9 Section 9 of the SG we recommend that for accuracy the wording is amended from "obtain a CAR licence(s)" to "obtain a CAR authorisation". The reason for this is that not all the applications for the foul water discharge will be escalated within the River Tay SAC and therefore some applications may be authorised by a Registration under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). | SEPA          | The guidance will be amended accordingly.        | Yes                           |
| <b>Dunkeld – Blairgowrie Lochs Special Area of Conservation</b>                                                                                                                                                                                                                                                                                                                                                                                    |               |                                                  |                               |
| We recommend that the photographs on pages 1 and 2 of the SG are named in order that readers are clear as to which is blue green algae and which is a protected species. SNH will be able to provide clarity as to the name of the plant in the photo on page 1.                                                                                                                                                                                   | SEPA          | Noted.                                           | No                            |
| Within the dark green box below the flow chart on page 4 of the SG we recommend that the wording be altered to clarify that all applications will require to be licensed by SEPA. Therefore an alteration from "will require authorisation" to "will require to be licensed".                                                                                                                                                                      | SEPA          | The guidance will be amended accordingly.        | Yes                           |
| Within the flow chart second box on page 5 the reference to EN12566.3 should be amended to EN12566:3. In addition beneath the flow chart on page 5 we recommend that for clarity an additional point is added which states "Mitigation calculations should be based on mean values and not on percentile figures".                                                                                                                                 | SEPA          | The guidance will be amended accordingly.        | Yes                           |
| On reflection we require an alteration to the wording in the first paragraph of Section 8 from "Also, wherever possible, applicants should seek" to "Also, it is recommended that applicants seek".                                                                                                                                                                                                                                                | SEPA          | The guidance will be amended accordingly.        | Yes                           |



# Lunan Valley Area Dunkeld- Blairgowrie Lochs Special Area of Conservation

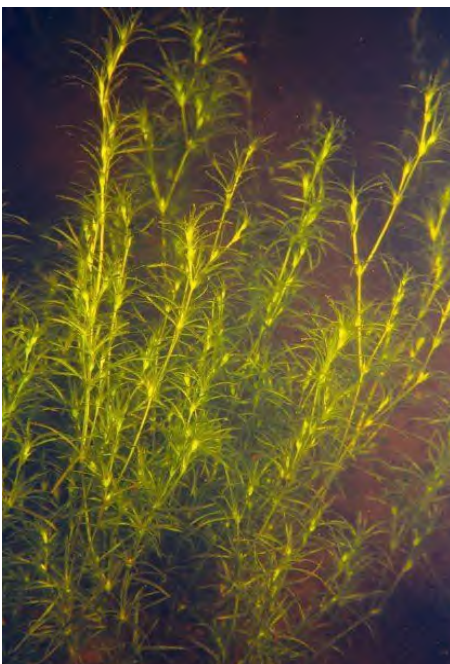
Advice to planning applicants in  
relation to phosphorus and foul  
drainage in the catchment



# Advice to applicants when considering new projects which are within the catchment of, or could affect Dunkeld-Blairgowrie Lochs Special Area of Conservation (SAC)

## Contents

1. Introduction
2. Why are the Dunkeld-Blairgowrie Lochs so important?
3. The nutrient problem at the Dunkeld-Blairgowrie Lochs
4. Planning authorities obligations
5. Will your proposed project affect the Dunkeld-Blairgowrie Lochs SAC
6. Submitting a planning application for new development
7. Phosphorus mitigation calculations – worked example
8. Additional point for phosphorus mitigation proposals
9. Why 125%
10. SEPA authorisation
11. Once planning permission is granted
12. Further information required
13. Further details



## 1. Introduction

This guidance aims to assist anyone submitting planning applications which are within the catchment of, or could affect the water quality of the Dunkeld– Blairgowrie Lochs Special Area of Conservation (SAC).

- Loch of Craiglush
- Loch of the Lowes
- Loch of Butterstone
- Loch of Clunie
- Marlee Loch

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

- An explanation of planning authorities' obligations when evaluating planning applications;
- Advice on the nature of developments that may affect the Dunkeld-Blairgowrie Lochs;
- Examples of information which you need to submit with your planning application and application for a foul water discharge licence under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) – there is a flow chart on page 5 taking you through the key questions and answers/ solutions.

This guidance relates specifically to water quality of the Dunkeld-Blairgowrie Lochs SAC and phosphorus entering the loch's catchment. There may be other qualifying features of the SAC which could be affected by development proposals e.g. disturbance to otters or habitat change.

## 2. Why are the Dunkeld-Blairgowrie Lochs so important?

The Dunkeld-Blairgowrie Lochs consists of a chain of five kettle hole lochs that are of international importance for their aquatic habitats and species, including slender naiad. The site has the highest wildlife accolade as it is designated as an SAC and is part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union.

### 3. The nutrient problem at the Dunkeld – Blairgowrie Lochs

Nutrients, such as phosphorus, entering the catchment from manmade sources has started to cause problems with water quality.

Elevated nutrient levels in warmer months can lead to cyanobacteria or blue-green algae blooms.



These bacteria can be toxic to people, pets, livestock and wildlife. An algal bloom can therefore result in a loss of amenity as the public have to avoid the lochs until the bloom has passed and may also result in fish, and potentially livestock, deaths.

As the bloom subsides and the algae breaks down there is an associated depletion in the oxygen level in the loch which will have a further damaging effect on the loch ecosystem.

Much work has been undertaken over the last decade to reduce the input of phosphorus into the lochs. Recent monitoring has shown this is leading to an improvement in the ecological quality of the lochs. However, this improvement is still vulnerable to set backs, so there is a continuing need to reduce phosphorus inputs to the loch.

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

### 4. Planning authorities' obligations

The European legislation under which sites are selected as SACs is the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid “*the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant.*” These obligations relate to “Competent Authorities” such as Planning Authorities.

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

Perth and Kinross Council apply Policy EP6: Lunan Valley Catchment Area\* as laid out in the Local Development Plan to assist them in their consideration of a development proposal.

\* Dunkeld-Blairgowrie Lochs SAC catchment and the Lunan Valley Catchment Area are coincident.

## MAP – Dunkeld-Blairgowrie Lochs catchment boundary



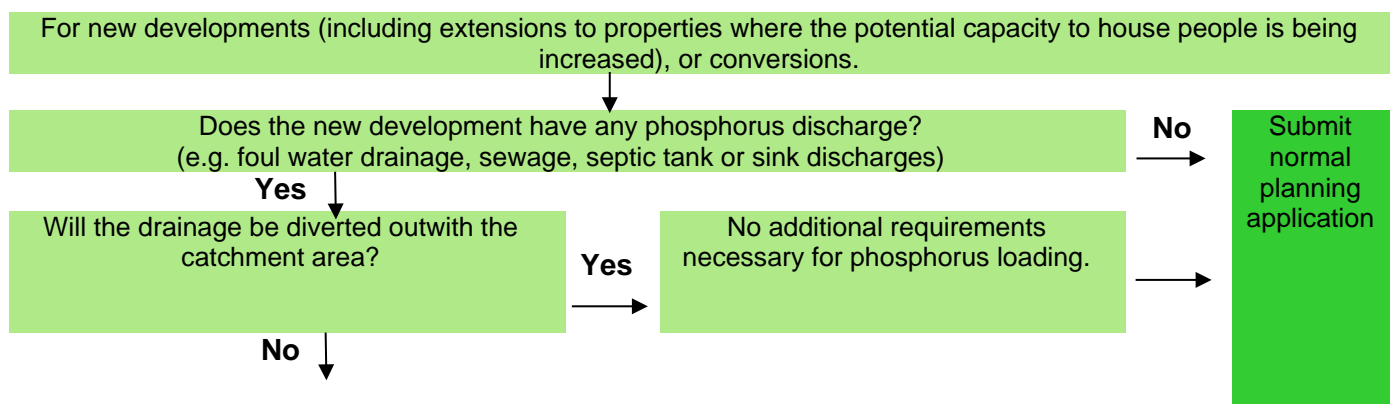
### 5. Will your proposed project affect the Dunkeld-Blairgowrie Lochs SAC?

If your proposed development lies in the catchment as shown by the blue line on the map, you need to consider whether it has the potential to affect the lochs.

(NB. The map is a guide – if your development is near the border you may wish to seek confirmation as to whether it is in the catchment.)



## 6. Submitting a planning application for new development



### Phosphorus Mitigation Proposals

You will need to ensure the drainage from the development has no additional phosphorus loading on the ground / surface waters in the Dunkeld – Blairgowrie Lochs catchment (Policy EP6) and apply to SEPA for a licence to discharge. See section 7 for a worked example of phosphorus mitigation

#### Acceptable forms of phosphorus mitigation:

Upgrade the septic tank of an existing property within the catchment area to an active system that reduces phosphorus (secondary/tertiary treatment plant) - this may be with a third party.

#### Unacceptable forms of phosphorus mitigation:

Change in agricultural practice;  
Change in land use;  
Using "capacity" from a previous application.

In addition to your Full planning application or AMM (approval of matters specified in conditions)\*you will need to provide details of:

- the proposed development;
- an existing property to be upgraded – Which has not already been identified as mitigation for another planning application and;
- phosphorus mitigation calculations – include numbers of potential bedrooms of all properties, and methods of drainage (primary/secondary/tertiary treatment plant).<sup>1</sup> Treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities. You will need to demonstrate that the total phosphorus loading from the existing property can be reduced by at least 125% of the phosphorus loading likely to be generated by the new development (PolicyEP6) – see worked example overleaf.

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

\*N.B The above information is not required for 'In Principle' planning applications.

- Discharge from all the properties will require to be licensed by SEPA who will set discharge limits through licensing. The licensing process has a 4 month determination period from the date of application. (see below).
- The discharge limits set by SEPA must be complied with at all times
- Foul water treatment plants need to be frequently maintained to work properly and discharge within the licensed limits. Appropriate maintenance will be a requirement of the SEPA water use licence.
- Sites which will not connect to the Scottish Water Network which have 50>p.e. should contact SEPA at the earliest opportunity as additional investigatory work will be required prior to a discharge licence application being submitted.
- In cases of great complexity or uncertainty the Precautionary Principle will be adopted.

The assumption being that where there are real threats of damage to the environment, lack of scientific information should not be used as a justification for postponing measures to prevent such damage occurring.

#### Footnote

<sup>1</sup>1. The latest version of the document " British Water Code of Practice - Flows and Loads" has details of loadings from a variety of sources (available from publications section of the British Water website <http://www.britishwater.co.uk/Publications/codes-of-practise.aspx>).

May 2016 Revision

## 7. Phosphorus mitigation calculations - worked example

Calculations based on British Water Code of Practice "Flows & Loads - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems" - <http://www.britishwater.co.uk/Publications/codes-of-practise.aspx> (P.E = Person equivalent)

| Background                                                                                                                             |                           |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Average amount of water per person per day                                                                                             | = 150 litres              |
| Primary treatment (septic tank - standard discharge – as a mean)                                                                       | = 10 mg P/litre           |
| Daily discharge of phosphorus (per person) from primary treatment                                                                      | = 1,500 mg P              |
| Secondary treatment (package treatment plant – as a mean)                                                                              | = 5 mg P/litre            |
| Daily discharge of phosphorus (per person) from secondary treatment                                                                    | = 750 mg P                |
| Proposed Development *                                                                                                                 |                           |
| 3-bedroom house                                                                                                                        | = 5 P.E.                  |
| Secondary treatment to be installed                                                                                                    | = 5mgP/litre              |
| Daily discharge of phosphorus = 750 mg P x 5 P.E.                                                                                      | <b>= 3,750 mg P / day</b> |
| Phosphorus Mitigation                                                                                                                  |                           |
| Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development = 125% x 3,750mg P / day | <b>= 4,688 mg P / day</b> |
| Mitigation is proposed by upgrading a septic tank for a named existing 5-bedroom property to a secondary treatment plant.              |                           |
| 5-bedroom house                                                                                                                        | =7 P.E.                   |
| Existing discharge = 1,050 litres x 10 mg P/litre                                                                                      | =10,500 mg P / day        |
| Discharge after upgrade to 5mg/l P = 750 mg P x 7 P.E.                                                                                 | =5,250 mg P / day         |
| Mitigation offered is 10,500 – 5,250                                                                                                   | <b>=5,250mg P / day</b>   |
| in excess of the requirements                                                                                                          |                           |

\* Please note that evidence of regular maintenance contracts must be provided as part of a Water Use Licence from SEPA. Mitigation calculations should be based on mean values and not on percentile figures

## 8. Additional points for phosphorus mitigation proposals

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

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

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

Mitigation of an existing system can only be linked to a development at full planning stage. While SEPA can be consulted on mitigation proposals at outline planning stage, comments provided will only be given as a guide and must be reviewed and resubmitted with any full planning application.

## 9. Why 125%?

Bearing in mind the Precautionary Principle and the fact that the measurement of potential phosphorus output is not an exact science, then mitigation measures must seek to exclude from the catchment area in excess of the phosphorus likely to be generated by the proposed development in order to be sure that there is no net increase.



## 10. SEPA authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. All CAR Registration level private sewage discharges in the Dunkeld-Blairgowrie Lochs SAC will be escalated to simple licence level, to allow adequate assessment of the discharge. A higher level of licence protection may also be required for activities that may impact Dunkeld-Blairgowrie Lochs SAC, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the Dunkeld-Blairgowrie Lochs SAC.

Details on all these activities are available via the following links:

[http://www.sepa.org.uk/water/water\\_publications.aspx](http://www.sepa.org.uk/water/water_publications.aspx)

Information on CAR licence requirements:

[http://www.sepa.org.uk/customer\\_information/water.aspx](http://www.sepa.org.uk/customer_information/water.aspx)

Activities should also ensure compliance with SEPA's Pollution Prevention Guidelines, available at: [http://www.sepa.org.uk/about\\_us/publications/guidance/ppgs.aspx](http://www.sepa.org.uk/about_us/publications/guidance/ppgs.aspx)

## 11. Once planning permission is granted

Before the development can commence you must:

- obtain a CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the foul water discharge associated with the development.
- submit copies of these to the Planning Authority and
- have a receipt for the above documentation from the Planning Authority.

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

- The phosphorus mitigation measures must be installed using a treatment system which delivers the discharge quality standards specified in the mitigation calculations – and approved by Building Standards (if a building warrant has been required) or for watercourse discharges SEPA who are responsible for inspection of the outfall from treatment plants.

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

- The new drainage infrastructure installation at development site must be approved by Building Standards as part of building warrant process or for watercourse discharges SEPA who are responsible for inspection of the outfall from treatment plants.)

## 12. Further information required

Although this guidance is specifically for the water quality of Dunkeld – Blairgowrie Lochs SAC, there may be other natural heritage interests such as protected species affected by development proposals which also need to be considered. Further information is available in the Scottish Planning Policy: <http://www.gov.scot/Publications/2014/06/5823>.

Further information may need to be provided on **other habitats and species** in the immediate vicinity in support of your application (e.g. water voles, bats, and otters). Perth & Kinross Council or SNH can advise on further surveys required.

There may also be a requirement for **additional information** depending on the nature of the development.

## 13. Further details

More information on Dunkeld – Blairgowrie Lochs SAC including its conservation objectives can be found on the SNH website via [www.snh.org.uk/snh/](http://www.snh.org.uk/snh/):

SNH, SEPA and Perth and Kinross Council are working closely to protect the interests of the Dunkeld – Blairgowrie Lochs SAC and Ramsar site by reducing phosphorus loading on the lochs. Perth & Kinross Council are happy to assist you where required in submitting your application, including pre-application discussion.

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



## 14. Contacts

### Perth and Kinross Council

Website: [www.pkc.gov.uk](http://www.pkc.gov.uk)

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk) for planning enquiries

Email: [BuildingStandards@pkc.gov.uk](mailto:BuildingStandards@pkc.gov.uk) for building warrant enquiries

### Scottish Natural Heritage

Website: [www.snh.gov.uk](http://www.snh.gov.uk)

Email: [Tayside\\_Grampian@snh.gov.uk](mailto:Tayside_Grampian@snh.gov.uk)

### Scottish Environment Protection Agency

Tel: 0800 807060

Website: [www.sepa.org.uk](http://www.sepa.org.uk)

Email: [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

### Scottish Water

Call Centre tel: 0845 600 8855





# River Tay Special Area of Conservation (SAC)

Advice to developers when considering new projects which could affect the River Tay Special Area of Conservation



# Advice to applicants when considering new projects which are within the catchment of, or could affect the River Tay Special Area of Conservation (SAC)

## Contents

1. Introduction
2. Why is the River Tay SAC so important?
3. Planning authorities obligations
4. Will your proposal affect the River Tay SAC
5. What are the special interests of the River Tay SAC?
6. Is your development likely to affect these interests?
7. Further information you may be required to supply with your planning application
8. SEPA authorisation
9. Once planning permission is granted
10. Further information required
11. Further details
12. Contacts



## 1. Introduction

This guidance aims to assist anyone submitting planning applications which are

- within the catchment of River Tay Special Area of Conservation (SAC)
- which could affect the water quality of the River Tay SAC .

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

- an explanation of Perth and Kinross and Angus Councils' obligations as Planning Authorities
- information on the special interests of the designation which may be affected
- advice on the nature of developments which may affect the River Tay SAC
- examples of information which need to be included with the planning application.

This guidance relates specifically to the River Tay SAC and the specific ('qualifying') interests associated with this designation. There may be other natural heritage interests affected by development proposals which also need to be considered.

## 2. Why is the River Tay SAC so important?

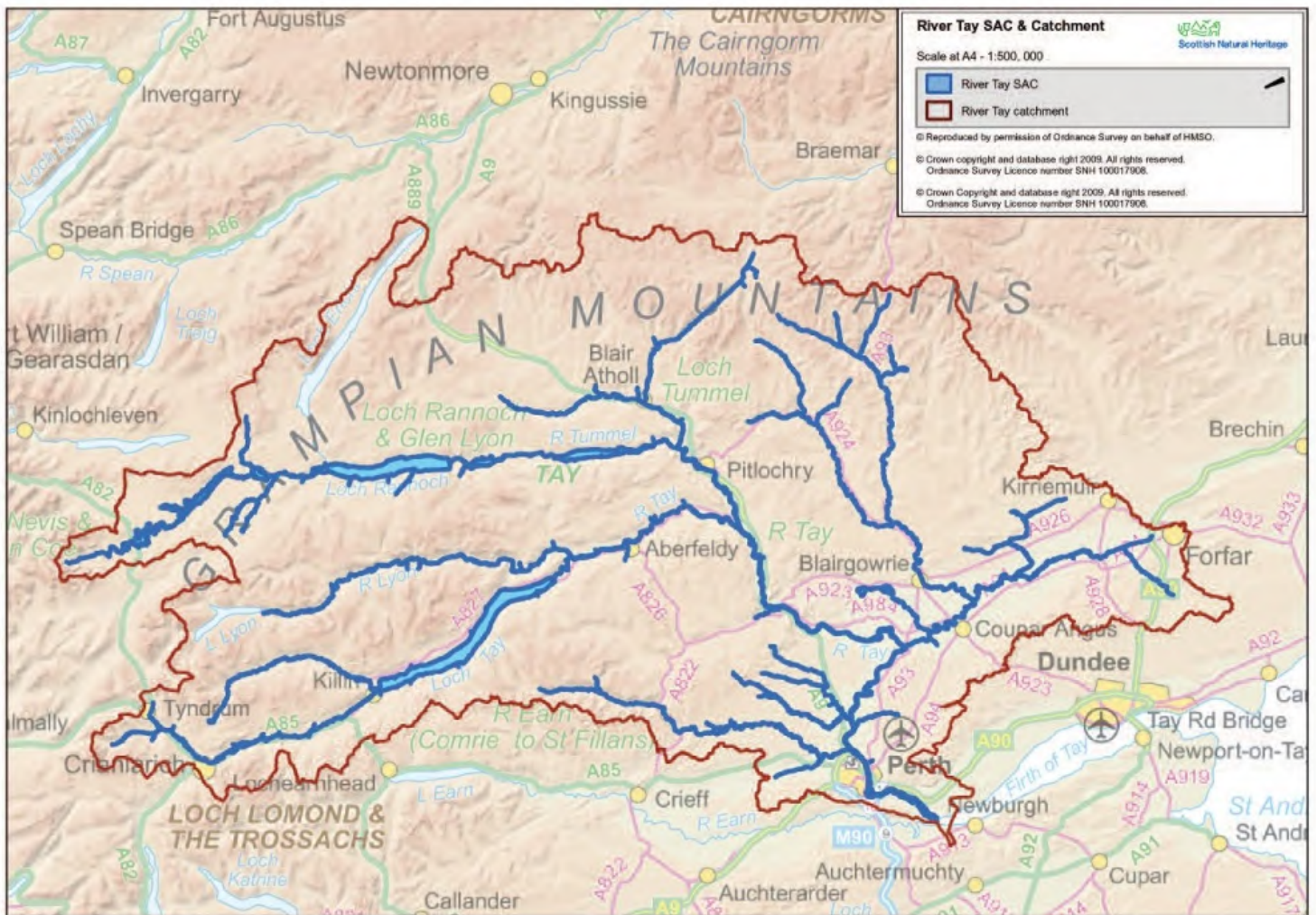
The River Tay Special Area of Conservation (SAC) has the highest wildlife accolade as it is designated as an SAC and is part of the Natura 2000 network – a series of internationally important wildlife sites throughout the European Union.

### 3. Planning authorities' obligations

The European legislation under which sites are selected as SACs is the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid *“the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant.”* These obligations relate to “Competent Authorities” such as Planning Authorities.

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

Perth and Kinross Council apply Policy E15: Development within the River Tay Catchment Area and Angus Council apply policy PV4: Sites Designated for Natural Heritage & Biodiversity Value, to assist them in their consideration of a development proposal.



#### 4. Will your proposal affect the River Tay SAC?

If your proposed development lies in the catchment of the River Tay SAC, you need to consider whether it has the potential to damage the River Tay SAC's special interests. Developments outwith the actual SAC site but within the river catchment (such as those upstream of the SAC) need to be considered because by their nature, freshwater sites have a greater potential for damage from management activities occurring outwith their boundary.



\* Please note that the boundary of the SAC is not just the River Tay but includes many of its large tributaries from the Dochart, Lyon and Lochay in the West, to the Water of Dean and Isla in the East and the northern tributaries of the Tilt, Ericht and Tummel.

## 5. What are the special interests of the River Tay SAC?

The River Tay SAC is designated as a Natura 2000 site for Atlantic salmon, sea lamprey, river lamprey, brook lamprey, clear-water lochs and otters. It is also important for freshwater pearl mussel which is a protected species.

### Salmon and lamprey

Salmon are found throughout the Tay SAC site and sea, river and brook lamprey are also widespread, although sea and river lamprey, which are migratory, can not get into the Tummel system above Faskally dam or probably above medium sized waterfalls on the Lochay, Ericht and Dochart. The Tay is likely to support one of the most important sea lamprey populations in Scotland. Salmon and lamprey both require high quality water, therefore any reduction in water quality as a result of a proposal could be significant. In the short-term, if sediment is released into the watercourses during construction, this could result in the gills of salmon or lamprey being smothered, or their upstream passage impeded. It can also smother the gravels used for spawning salmon and lamprey or the areas used by juvenile fish, making them unsuitable.



There is also a possible risk of contamination of the watercourses from the fuel and chemicals used on site, or in the longer term, pollution from the drainage system.

### Otters

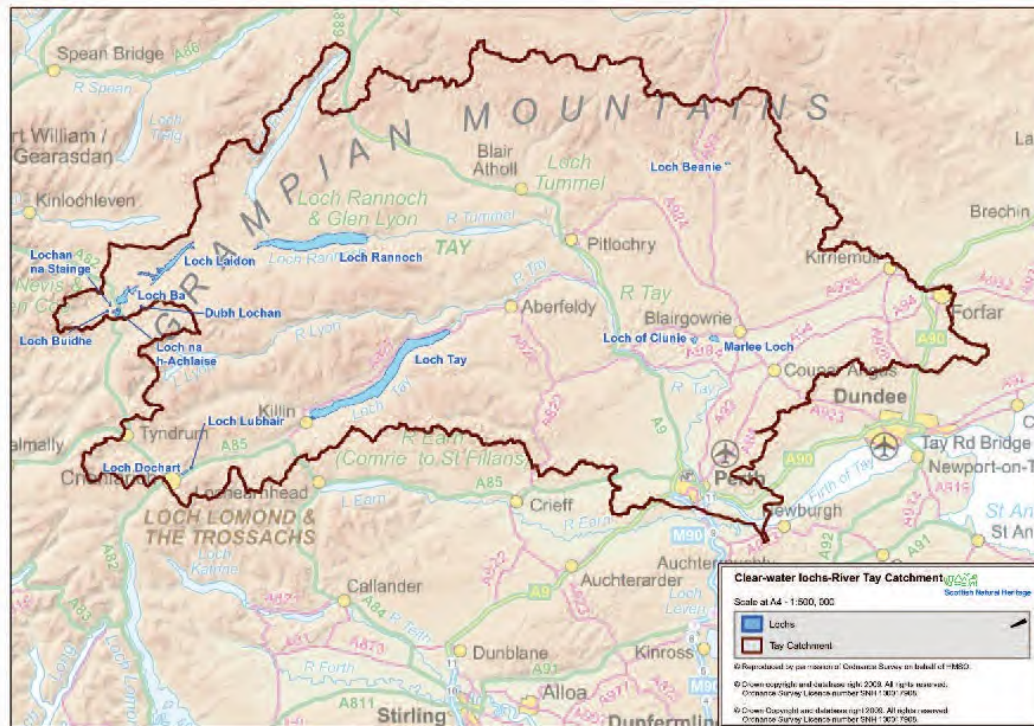
A healthy population of otters is present throughout the River Tay and its tributaries. Otters depend on an abundance of food supply such as eels, lamprey, salmon, trout and frogs, normally associated with a high water quality. If the otter's food supply is depleted due to pollution or degradation of their habitat, then the number of otters along stretches of river will reduce. In addition, otters need suitable habitat such as vegetated riverbank, reed bed, woodland and islands for foraging, breeding and resting places. They need quiet conditions and can be prone to disturbance, resulting in them deserting an area.



## Clear-water lochs

These nutrient-poor to moderately nutrient-rich lochs have clear water free from a significant sediment load. The quantity of sediment entering the loch should be minimised as increased sediment can lead to enrichment, smothering of the bed of the loch and excessive growth of algae.

The location of clear water lochs within the catchment of the River Tay is shown on the map below:



| Clear-water lochs within the River Tay catchment | Associated river:                 |
|--------------------------------------------------|-----------------------------------|
| Loch Tay                                         | River Tay                         |
| Loch Lubhair                                     | River Dochart                     |
| Loch Dochart                                     |                                   |
| Loch Rannoch                                     |                                   |
| Loch Laidon                                      | River Tummel                      |
| Dubh Lochan                                      |                                   |
| Loch Buidhe                                      | River Ba                          |
| Loch n h Achlaise                                |                                   |
| Lochan na Stainge                                |                                   |
| Loch Ba                                          | Shee Water (north of Black Water) |
| Loch Beanie                                      |                                   |
| Maree Loch                                       | Lunan Burn                        |
| Loch of Clunie                                   |                                   |



## Freshwater pearl mussels

Freshwater pearl mussels are one of Scotland's most endangered species and are present throughout the River Tay SAC. Recent estimates are that Scotland holds approximately two thirds of the world's known remaining functional populations. They can be found throughout those parts of the site where, historically, salmon have had access – the young larva released by female pearl mussels depend on being inhaled by young salmon or trout and attach themselves to their gills for survival. As pearl mussels are filter feeders and pass considerable amounts of water through their digestive system, they are very vulnerable to water pollution. Juvenile pearl mussels, in particular, are vulnerable to any reduction in water quality as they tend to live entirely buried within the river substrate, therefore they could be affected by sediment loads and untreated washings entering the river. Freshwater pearl mussels have a tolerance threshold of 0.03mg/l for soluble reactive phosphorus, therefore any increase in phosphorus levels could cause large dips in oxygen, which puts the mussels under stress. If large amounts of soil or other material are washed into the river from a development site, or an outfall is located close to freshwater pearl mussel beds, this could smother the freshwater pearl mussels, causing them to suffocate.



## 6. Is your development likely to affect these interests?

Perth and Kinross, and Angus Council as Planning Authorities will need to establish if your proposal is likely to have a significant effect on the special interests of the SAC. The following section will help you and the Planning Authority establish this and then if so, what further information needs to be submitted with the planning application so that the Authority, and SNH as their statutory consultee, can properly assess it.

You should consider the nature of the development proposed and the potential direct and indirect impacts on the special wildlife interests of the River Tay SAC. The threshold for impacts from development can be very low and you should take a precautionary approach if you are unsure.

Examples of proposals likely to have a significant effect are:

- A residential or commercial development that will not link to the mains sewerage system and therefore will increase direct or diffuse sewerage discharges. This may result in an increase in nutrients above acceptable thresholds.
- Any proposal that will involve diverting the river or its tributaries, or bank regrading work is likely to result in an increase in sediments downstream of the development and may affect the flow rate of the river.
- Dredging, gravel extraction or the installation of temporary or permanent structures within the river channel will affect the substrate of the river bed and may damage or destroy pearl mussels and their habitat, or salmon spawning beds. SNH has produced specific guidance for gravel extraction on the River Tay.

The following checklist should help you establish whether your proposal is likely to have a significant effect and whether further information needs to be submitted with the planning application:

| Potential impacts from development on the River Tay SAC                                                                                                                                                                                           | YES/NO |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <b>Direct impacts:</b>                                                                                                                                                                                                                            |        |
| Will salmon, lamprey, otters, freshwater pearl mussels and clear water lochs be damaged, destroyed or disturbed?                                                                                                                                  |        |
| Will any of the habitat of lamprey, otters, freshwater pearl mussels and clear water lochs be altered or lost to any extent as a result of the proposal (e.g. by construction, vehicular access, excavation of habitat, pollution or trampling?). |        |
| <b>Indirect impacts:</b>                                                                                                                                                                                                                          |        |
| These could affect any aspect of the ecological requirements of individual freshwater species and habitats to any extent and include:                                                                                                             |        |
| <b>River flow:</b>                                                                                                                                                                                                                                |        |
| Will the development affect the flow?                                                                                                                                                                                                             |        |
| Will the velocity be changed or the flow diverted?                                                                                                                                                                                                |        |
| Will the quantity of water be affected? e.g. by abstraction, increase or impoundment.                                                                                                                                                             |        |
| Will the flow regime change so that the river level rises or falls more quickly? (e.g. through the effects of drainage on adjacent land).                                                                                                         |        |
| Will summer flows be changed (altering water temperatures and oxygen levels) or will winter floods be altered? (e.g. through construction of embankments).                                                                                        |        |
| <b>Channel substrate:</b>                                                                                                                                                                                                                         |        |
| Will the plan or project affect the substrate?                                                                                                                                                                                                    |        |
| Will there be physical damage/disturbance to the habitat structure?                                                                                                                                                                               |        |
| Will the diversity of channel morphology be reduced? (e.g. bank or bed destabilisation).                                                                                                                                                          |        |
| Will the plan or project affect the river sediments such as sand, gravel, cobbles and boulders? (e.g. through more sediment being added or removed).                                                                                              |        |
| Will the plan or project lead to changes in the nature of river bed sediments? (e.g. changes in land management altering the amount of fine sediment reaching the channel).                                                                       |        |
| <b>Water quality in running and standing water:</b>                                                                                                                                                                                               |        |
| Will the development affect water quality?                                                                                                                                                                                                        |        |
| Will the development result in increased sewerage input?                                                                                                                                                                                          |        |
| Will oxygen levels be altered? (e.g. through nutrient input).                                                                                                                                                                                     |        |
| Will the water chemistry be changed? (e.g. through runoff from land-based activities, disposal to land, effluent discharge, pesticide treatments).                                                                                                |        |
| Is there additional risk of accidental pollution?                                                                                                                                                                                                 |        |
| Will the development increase the water turbidity?                                                                                                                                                                                                |        |
| Will water temperature be changed?                                                                                                                                                                                                                |        |
| <b>Loch hydrology:</b>                                                                                                                                                                                                                            |        |
| Will the development change the hydrology of the loch?                                                                                                                                                                                            |        |
| Will general loch levels change? (e.g. through abstraction).                                                                                                                                                                                      |        |
| Will there be frequent change in the loch levels through drawdown and recharge?                                                                                                                                                                   |        |
| Will the inflow or outflow of the loch be changed altering the flushing rate of the loch?                                                                                                                                                         |        |
| Will there be a change in the seasonal variability in loch levels?                                                                                                                                                                                |        |

If you have answered 'Yes' to any of the above questions, you may be required to submit further information.

## 7. Further information you may be required to supply with your planning application

Information required will depend on the nature, scale, location etc. of the development. Guidance prior to submitting your application can be obtained from Perth and Kinross, and Angus Councils or SNH.

If this information is provided with the planning application when it is submitted then the decision making process can be quicker. Often SNH, as statutory consultee, has to put in a holding objection to an application due to lack of supporting information or safeguards/undertakings which if provided, could reassure us that a detrimental impact on the wildlife interest can be avoided.

Some examples of additional information required include:

1. A Construction Method Statement which should include:
  - pollution prevention safeguards, including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
  - storage and disposal of materials, including the siting of stock piles, use of buffer strips and disposal methods;
  - construction site facilities, including extent and location of construction site huts, vehicle equipment, and materials compound;
  - timing, duration and phasing of construction, particularly in relation to salmon and lamprey migration/spawning;
2. Sewerage treatment arrangements. If the development proposal will not link to the mains sewerage system, demonstration that the potential impact on water quality and the associated salmon and lamprey will not adversely affect the integrity of the SAC. Evidence should be submitted that the proposal is appropriately designed so there will be no deterioration in water quality.
3. Locations of outfalls to be provided with the application and details of timing and method of installation.
4. Any available information on important habitats and species in the immediate vicinity.
5. Further wildlife surveys in support of your application may be necessary. SNH can advise on this. Freshwater pearl mussel records are confidential due to the ongoing threat from pearl fishermen, therefore SNH can provide advice to the developer on whether a freshwater pearl mussel survey is required.
6. An undertaking to provide a riverine buffer strip of approximately 10m from the river bank to the edge of the development ground to reduce disturbance to otters foraging along a riverbank.
7. Proximity of otter holts and resting places – Otters are “European Protected Species” which means that special protection is given to them and makes it an offence to damage or destroy a breeding site or resting place unless in specified circumstance, a licence has been issued by the Scottish Government.  
Link: <http://www.scotland.gov.uk/Publications/2001/10/10122/File-1>

## 8. SEPA authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. A higher level of licence protection may also be required for activities that may impact on the River Tay SAC, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the SAC.

Details on all these activities are available via the following links:

[http://www.sepa.org.uk/water/water\\_publications.aspx](http://www.sepa.org.uk/water/water_publications.aspx)

Information on CAR licence requirements:

[http://www.sepa.org.uk/customer\\_information/water.aspx](http://www.sepa.org.uk/customer_information/water.aspx)

Activities should also ensure compliance with SEPA's Pollution Prevention Guidelines, available at: [http://www.sepa.org.uk/about\\_us/publications/guidance/ppgs.aspx](http://www.sepa.org.uk/about_us/publications/guidance/ppgs.aspx)

## 9. Once Planning Permission is granted

Before the development can commence you must:

- obtain a CAR authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the foul water discharge associated with the development.
- submit copies of these to the Planning Authority and
- have a receipt for the above documentation from the Planning Authority.

## 10. Further information required

Although this guidance is specifically for the River Tay SAC, there may be other natural heritage interests affected by development proposals which also need to be considered. Further information is available in the Scottish Planning Policy:  
<http://www.gov.scot/Publications/2014/06/5823>

Further information may need to be provided on other habitats and species in the immediate vicinity in support of your application (e.g. water voles, bats, and otters). Perth & Kinross Council, Angus Council or SNH can advise on further surveys required.

There may also be a requirement for additional information depending on the nature of the development.

## 11. Further details

More information on River Tay SAC including its conservation objectives can be found on the SNH website via [www.snh.org.uk/snhi/](http://www.snh.org.uk/snhi/):

SNH, SEPA, Angus Council and Perth and Kinross Council are working closely to protect the interests of the River Tay SAC and we are happy to assist you where required in submitting your application, including pre-application discussion.

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

## 12. Contacts

Perth and Kinross Council

Website: [www.pkc.gov.uk](http://www.pkc.gov.uk)

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk) for planning enquiries

Email: [BuildingStandards@pkc.gov.uk](mailto:BuildingStandards@pkc.gov.uk) for building warrant enquiries

Angus Council

Website: <http://www.angus.gov.uk/>

Email: [planning@angus.gov.uk](mailto:planning@angus.gov.uk). For both planning and building warrant enquiries

Scottish Natural Heritage

Website: [www.snh.gov.uk](http://www.snh.gov.uk)

Email: [Tayside\\_Grampian@snh.gov.uk](mailto:Tayside_Grampian@snh.gov.uk)

Scottish Environment Protection Agency

Tel: 0800 807060

Website: [www.sepa.org.uk](http://www.sepa.org.uk)

Email: [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

Scottish Water

Call Centre tel: 0845 600 8855



Photography: Lorne Gill/SNH, George Logan, P&A Macdonald/SNH, Sue Scott/SNH.

May 2016 Revision

# Loch Leven Special Protection Area and Ramsar site

Advice to planning applicants in  
relation to phosphorus and foul  
drainage in the catchment



# Advice to applicants when considering new projects which are within the catchment of, or could affect Loch Leven Special Protection Area (SPA) and Ramsar site

## Contents

1. Introduction
2. Why is Loch Leven so important?
3. The nutrient problem at Loch Leven
4. Planning authorities obligations
5. Will your proposed project affect Loch Leven SPA
6. Submitting a planning application for new development
7. Phosphorus mitigation calculations – worked example
8. Additional point for phosphorus mitigation proposals
9. Why 125%
10. SEPA authorisation
11. Once planning permission is granted
12. Further information required
13. Further details
14. Contacts



## 1. Introduction

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

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

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

- An explanation of planning authorities' obligations when evaluating planning applications;
- Advice on the nature of developments that may affect Loch Leven; and
- Examples of information which you need to submit with your planning application and application for a foul water discharge licence under The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR) – there is a flow chart on page 5 taking you through the key questions and answers/ solutions.

This guidance relates specifically to water quality of Loch Leven SPA and phosphorus entering the loch's catchment. There may be other qualifying features of the SPA which could be affected by development proposals e.g. disturbance to birds or issues relating to flooding.

## 2. Why is Loch Leven so important?

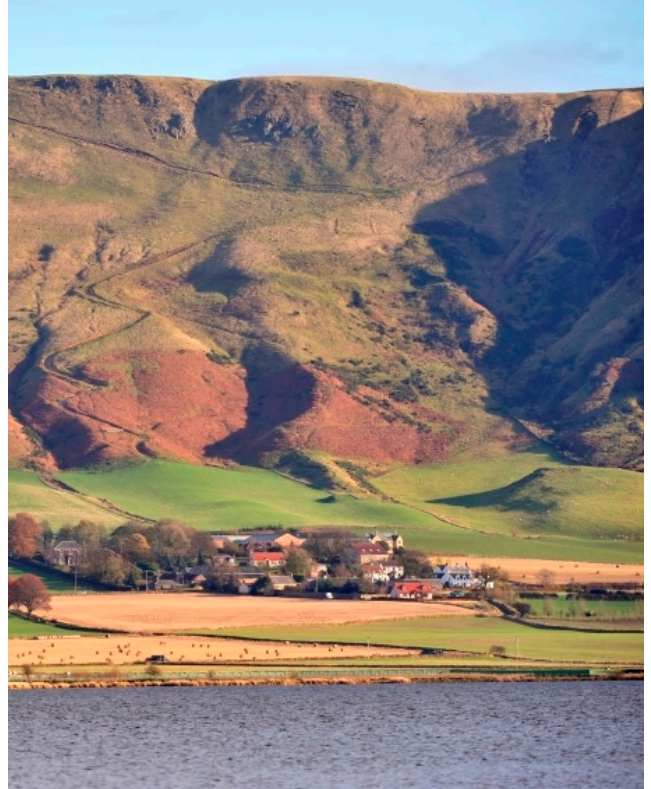
Loch Leven is the largest naturally nutrient rich freshwater loch in lowland Scotland and is internationally important for its wintering and breeding wildfowl. It has the highest wildlife accolade as it is designated as a SPA and is part of the Natura 2000 network – a series of internationally important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



### 3. The nutrient problem at Loch Leven

Nutrients such as phosphorus and nitrogen entering the loch catchment from manmade sources have caused problems with water quality for many years. This has resulted in a negative impact on the conservation, economic, and social interests of the loch and local area. Much work has been undertaken over the last 30 years to reduce the input of phosphorus into the loch. Recent monitoring has shown this is leading to an improvement in the ecological quality of the loch. However, this improvement is still vulnerable to set backs so there is a continuing need to reduce both phosphorus and nitrogen inputs to the loch.

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

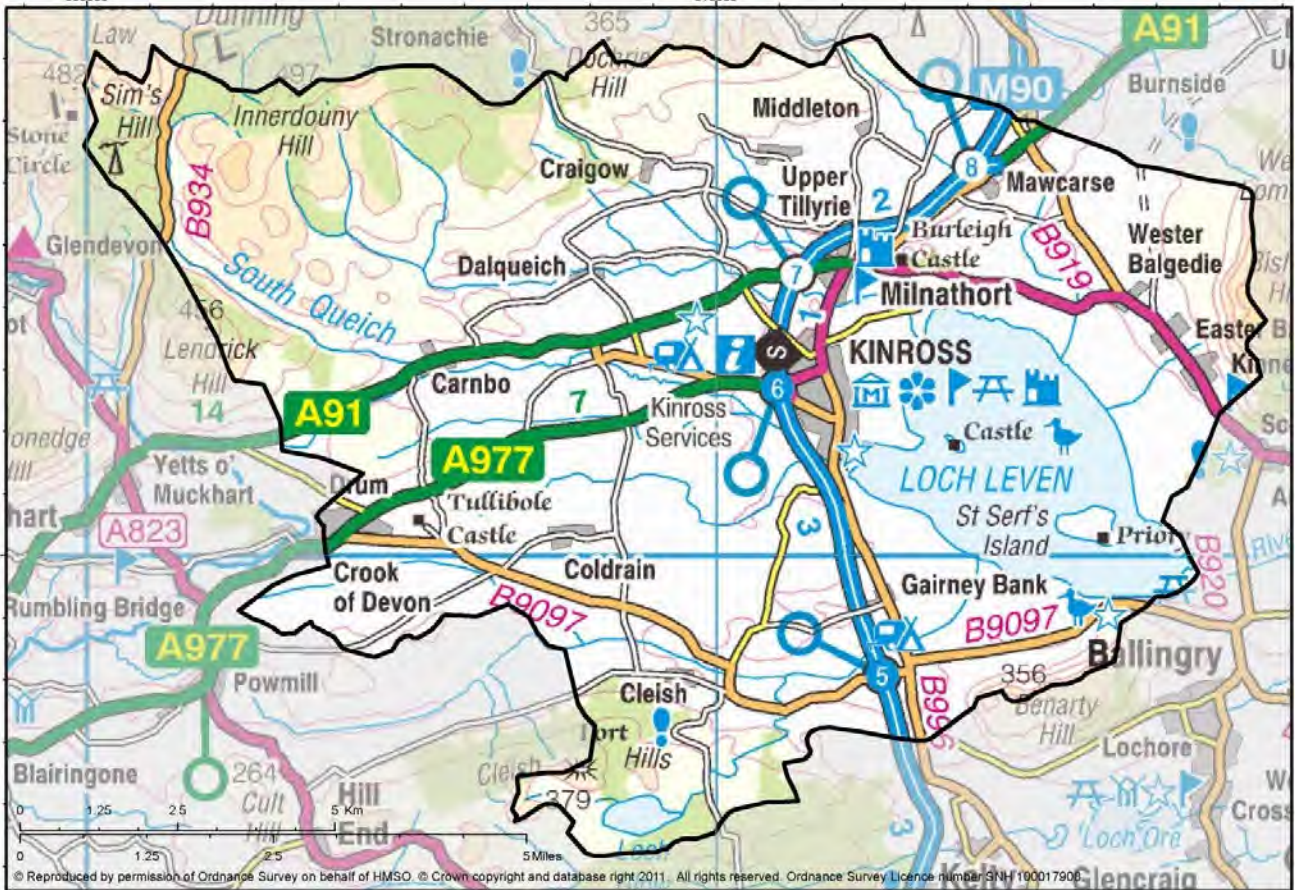


### 4. Planning authorities' obligations

The European legislation under which sites are selected as SPAs is the Habitats Directive, which sets out obligations on Member States to take appropriate steps to avoid “*the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant.*” These obligations relate to “Competent Authorities” such as Planning Authorities.

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

Perth and Kinross Council apply Policy EP7: Drainage within the Loch Leven Catchment Area as laid out in the Local Development Plan to assist them in their consideration of a development proposal.



## 5. Will your proposed project affect Loch Leven SPA?

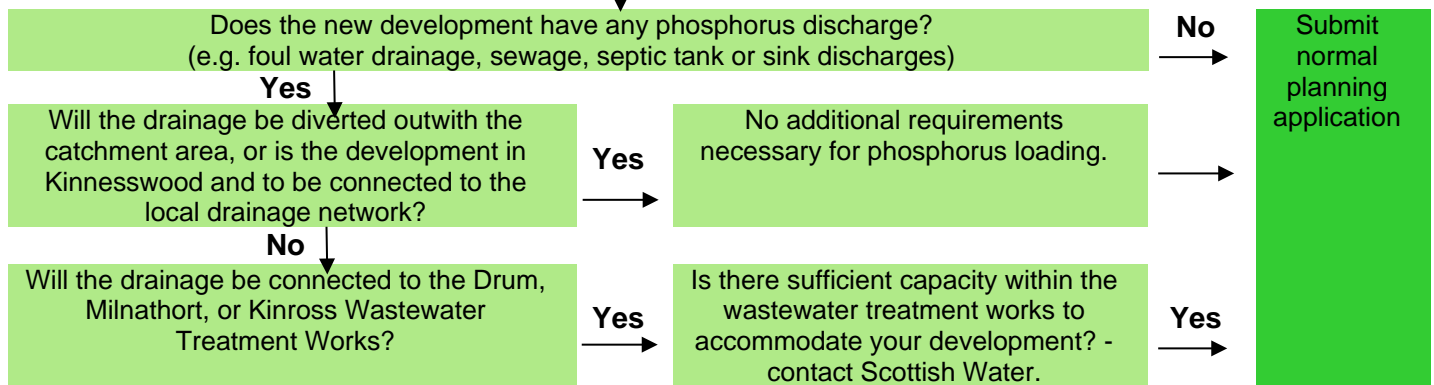
If your proposed development lies in the catchment as shown by the black line on the map, you may be required to provide phosphorus mitigation for your development, as detailed in the sections below.

(NB. The map is a guide – if your development is near the border you may wish to seek confirmation as to whether it is in the Loch Leven catchment.)



## 6. Submitting a Planning Application for new development

For new developments (including extensions to properties where the potential capacity to house people is being increased), or conversions.



### Phosphorus Mitigation Proposals

You will need to put in place mitigation that is capable of removing 125% of phosphorus likely to be generated by the development from the Loch Leven catchment (Policy EP7) and apply to SEPA for a licence to discharge.

See section 7 for a worked example of phosphorus mitigation

#### Acceptable forms of phosphorus mitigation:

Upgrade the septic tank of an existing property within the catchment area to an active system that reduces phosphorus (secondary/tertiary treatment plant) - this may be with a third party.

#### Unacceptable forms of phosphorus mitigation:

Change in agricultural practice;  
Change in land use;  
Using "capacity" from a previous application.

In addition to your Full planning application or AMM (approval of matters specified in conditions)\*you will need to provide details of:

- the proposed development;
- an existing property to be upgraded – Which has not already been identified as mitigation for another planning application and;
- phosphorus mitigation calculations – include numbers of potential bedrooms of all properties, and methods of drainage (primary/secondary/tertiary treatment plant).<sup>1</sup> Treatment plant should conform to BS EN 12566:3 and have demonstrated its phosphorus reduction capabilities. You will need to demonstrate that the total phosphorus loading from the existing property can be reduced by at least 125% of the phosphorus loading likely to be generated by the new development (PolicyEP7) – see worked example overleaf.

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

\*N.B The above information is not required for 'In Principle' planning applications.

- Discharge from all the properties will require to be licensed by SEPA who will set discharge limits through licensing. The licensing process has a 4 month determination period from the date of application. (see below).
- The discharge limits set by SEPA must be complied with at all times
- Foul water treatment plants need to be frequently maintained to work properly and discharge within the licensed limits. Appropriate maintenance will be a requirement of the SEPA water use licence.
- Sites which will not connect to the Scottish Water Network which have 50>p.e. should contact SEPA at the earliest opportunity as additional investigatory work will be required prior to a discharge licence application being submitted.
- In cases of great complexity or uncertainty the Precautionary Principle will be adopted.
- The assumption being that where there are real threats of damage to the environment, lack of scientific information should not be used as a justification for postponing measures to prevent such damage occurring.

#### Footnote

- The latest version of the document " British Water Code of Practice - Flows and Loads" has details of loadings from a variety of sources (available from publications section of the British Water website <http://www.britishwater.co.uk/Publications/codes-of-practise.aspx>).

## 7. Phosphorus mitigation calculations - worked example

Calculations based on British Water Code of Practice "Flows & Loads - Sizing Criteria, Treatment Capacity for Small Wastewater Treatment Systems"- <http://www.britishwater.co.uk/Publications/codes-of-practise.aspx> (P.E = Person equivalent)

| Background                                                                                                                             |                           |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Average amount of water per person per day                                                                                             | = 150 litres              |
| Primary treatment (septic tank - standard discharge – as a mean)                                                                       | = 10 mg P/litre           |
| Daily discharge of phosphorus (per person) from primary treatment                                                                      | = 1,500 mg P              |
| Secondary treatment (package treatment plant – as a mean)                                                                              | = 5 mg P/litre            |
| Daily discharge of phosphorus (per person) from secondary treatment                                                                    | = 750 mg P                |
| Proposed Development *                                                                                                                 |                           |
| 3-bedroom house                                                                                                                        | = 5 P.E.                  |
| Secondary treatment to be installed                                                                                                    | = 5mgP/litre              |
| Daily discharge of phosphorus = 750 mg P x 5 P.E.                                                                                      | = <b>3,750 mg P / day</b> |
| Phosphorus Mitigation                                                                                                                  |                           |
| Mitigation requires a reduction of 125% of the amount of phosphorus to be discharged from the new development = 125% x 3,750mg P / day | = <b>4,688 mg P / day</b> |
| Mitigation is proposed by upgrading a septic tank for a named existing 5-bedroom property to a secondary treatment plant.              |                           |
| 5-bedroom house                                                                                                                        | =7 P.E.                   |
| Existing discharge = 1,050 litres x 10 mg P/litre                                                                                      | =10,500 mg P / day        |
| Discharge after upgrade to 5mg/l P = 750 mg P x 7 P.E.                                                                                 | =5,250 mg P / day         |
| Mitigation offered is 10,500 – 5,250                                                                                                   | = <b>5,250mg P / day</b>  |
| in excess of the requirements                                                                                                          |                           |

\* Please note that evidence of regular maintenance contracts must be provided as part of a Water Use Licence from SEPA. Mitigation calculations should be based on mean values and not on percentile figures

## 8. Additional Points for Phosphorus mitigation proposals

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

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

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

Mitigation of an existing system can only be linked to a development at full planning stage. While SEPA can be consulted on mitigation proposals at outline planning stage, comments provided will only be given as a guide and must be reviewed and resubmitted with any full planning application.

## 9. Why 125%?

Bearing in mind the Precautionary Principle and the fact that the measurement of potential phosphorus output is not an exact science, then mitigation measures must seek to exclude from the catchment area in excess of the phosphorus likely to be generated by the proposed development in order to be sure that there is no net increase.



## 10. SEPA authorisation

SEPA regulates discharges to water and land under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Please note that additional authorisation for development activities adjacent to, and in the vicinity of watercourses may be required under the Controlled Activities Regulations. All CAR Registration level private sewage discharges in the Loch Leven catchment area will be escalated to simple licence level, to allow adequate assessment of the discharge. A higher level of licence protection may also be required for activities that may impact on the loch SPA, such as engineering works in inland waters, water abstraction, impoundment or discharge to land and water. Any such authorisation will also need to first consider the effects on the SPA.

Details on all these activities are available via the following links:

[http://www.sepa.org.uk/water/water\\_publications.aspx](http://www.sepa.org.uk/water/water_publications.aspx)

Information on CAR licence requirements:

[http://www.sepa.org.uk/customer\\_information/water.aspx](http://www.sepa.org.uk/customer_information/water.aspx)

Activities should also ensure compliance with SEPA's Pollution Prevention Guidelines, available at: [http://www.sepa.org.uk/about\\_us/publications/guidance/ppgs.aspx](http://www.sepa.org.uk/about_us/publications/guidance/ppgs.aspx)

## 11. Once Planning Permission is granted

Before the development can commence you must:

- obtain a CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the foul water discharge associated with the development.
- submit copies of these to the Planning Authority and
- have a receipt for the above documentation from the Planning Authority.

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

- The phosphorus mitigation measures must be installed using a treatment system which delivers the discharge quality standards specified in the mitigation calculations – and approved by Building Standards (if a building warrant has been required) or for watercourse discharges SEPA who are responsible for inspection of the outfall from treatment plants.

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

- The new drainage infrastructure installation at development site must be approved by Building Standards as part of building warrant process or for watercourse discharges SEPA who are responsible for inspection of the outfall from treatment plants.)

## 12. Further information required

Although this guidance is specifically for the water quality of Loch Leven SPA and Ramsar site, there may be other natural heritage interests such as protected species affected by development proposals which also need to be considered. Further information is available in the Scottish Planning Policy: <http://www.gov.scot/Publications/2014/06/5823>

Further information may need to be provided on **other habitats and species** in the immediate vicinity in support of your application (e.g. water voles, bats, and otters). Perth & Kinross Council or SNH can advise on further surveys required.

There may also be a requirement for **additional information** depending on the nature of the development.

## 13. Further details

More information on Loch Leven including its conservation objectives can be found on the SNH website via [www.snh.org.uk/snhi/](http://www.snh.org.uk/snhi/):

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

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

## 14. Contacts

### **Perth and Kinross Council**

Website: [www.pkc.gov.uk](http://www.pkc.gov.uk)

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk) for planning enquiries

Email: [BuildingStandards@pkc.gov.uk](mailto:BuildingStandards@pkc.gov.uk) for building warrant enquiries

### **Scottish Natural Heritage**

Website: [www.snh.gov.uk](http://www.snh.gov.uk)

Email: [Tayside\\_Grampian@snh.gov.uk](mailto:Tayside_Grampian@snh.gov.uk)

### **Scottish Environment Protection Agency**

Tel: 0800 807060

Website: [www.sepa.org.uk](http://www.sepa.org.uk)

Email: [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk)

### **Scottish Water**

Call Centre tel: 0845 600 8855



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## PERTH AND KINROSS COUNCIL

## Enterprise and Infrastructure Committee

7 September 2016

## PROPOSED 40 MPH SPEED LIMIT ON JUNCTION ROAD, KINROSS

## Report by Director (Environment)

This report summarises the objections received on the proposal to introduce a 40mph speed limit on Junction Road, Kinross. It recommends the Committee set aside the objections and that the Order is made as advertised.

**1. BACKGROUND**

- 1.1 At its meeting on 20 January 2016, the Committee agreed to promote a Traffic Regulation Order (TRO) to introduce a 40mph speed limit on Junction Road, Kinross (Report No.16/7 refers).
- 1.2 The report detailed the proposal to introduce a 40mph speed limit on Junction Road in Kinross to encourage motorists to use the route as a through route, avoiding the town centre.
- 1.3 Three local residents have formally objected to the proposals.

| <u>Name on file</u> | <u>Reason for objection</u>                                                                                                                                                                                                                                                                                                                                                                                                 | <u>Response</u>                                                                                                                                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                 | Increasing the limit to 40mph will only encourage even greater speeds. Motorists do not slow down at the mini roundabouts at present and increasing the limit will lead to accidents.                                                                                                                                                                                                                                       | The local members have requested that the objections be set aside as they consider the introduction of a 40mph speed limit will encourage motorists (that are only passing through) to use the route thus avoiding the town centre. |
| (2)                 | Increasing the speed limit by 10mph will save only seconds on a journey. Objector fails to understand why this would make it an incentive to use the route. Roundabout issues as above. There are a large number of children living in the estate. Statistics show that the risk of serious injury or a fatality is substantially higher where the speed increases. Police regularly stop speeding motorists at present, so | As above.                                                                                                                                                                                                                           |

| <b><u>Name on file</u></b> | <b><u>Reason for objection</u></b>                                                                                                                                                                                         | <b><u>Response</u></b> |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                            | increasing the limit to 40mph will only encourage even greater speeds.                                                                                                                                                     |                        |
| (3)                        | Objector has young children and is concerned about the safety implications if traffic speeds are to be increased. This proposal is not a viable compromise for the sake of trying to encourage motorists to use the route. | As above.              |

## 2. PROPOSALS

- 2.1 It is proposed to set aside the objections received and to proceed to make the TRO to introduce a 40mph speed limit on Junction Road, Kinross.

## 3. CONCLUSION AND RECOMMENDATION

- 3.1 This report outlines the objections received during the advertising of the proposal to introduce a 40mph speed limit on Junction Road, Kinross.
- 3.2 It is recommended that the Committee sets aside the objections received and to proceed to make the TRO to introduce a 40mph speed limit on Junction Road, Kinross as advertised.

### Author

| <b>Name</b>     | <b>Designation</b>          | <b>Contact Details</b>                                                                             |
|-----------------|-----------------------------|----------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic and Network Manager | <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a><br>01738 475000 |

### Approved

| <b>Name</b>    | <b>Designation</b>     | <b>Date</b>  |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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

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

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Financial

#### Capital

- 2.1 There are no capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 There are no additional financial implications associated with the recommendations in this report. The financial implications of advertising and implementing the waiting restriction changes were provided in the previous report. (Report No 12 16/7 refers.)

#### Workforce

- 2.3 There are no workforce implications arising from this report.

#### Asset Management (land, property, IT)

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

- 3.3 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). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging lower traffic speeds.

### Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland and all the elected members have been consulted and support the proposal.

## **5. Communication**

- 5.1 None.

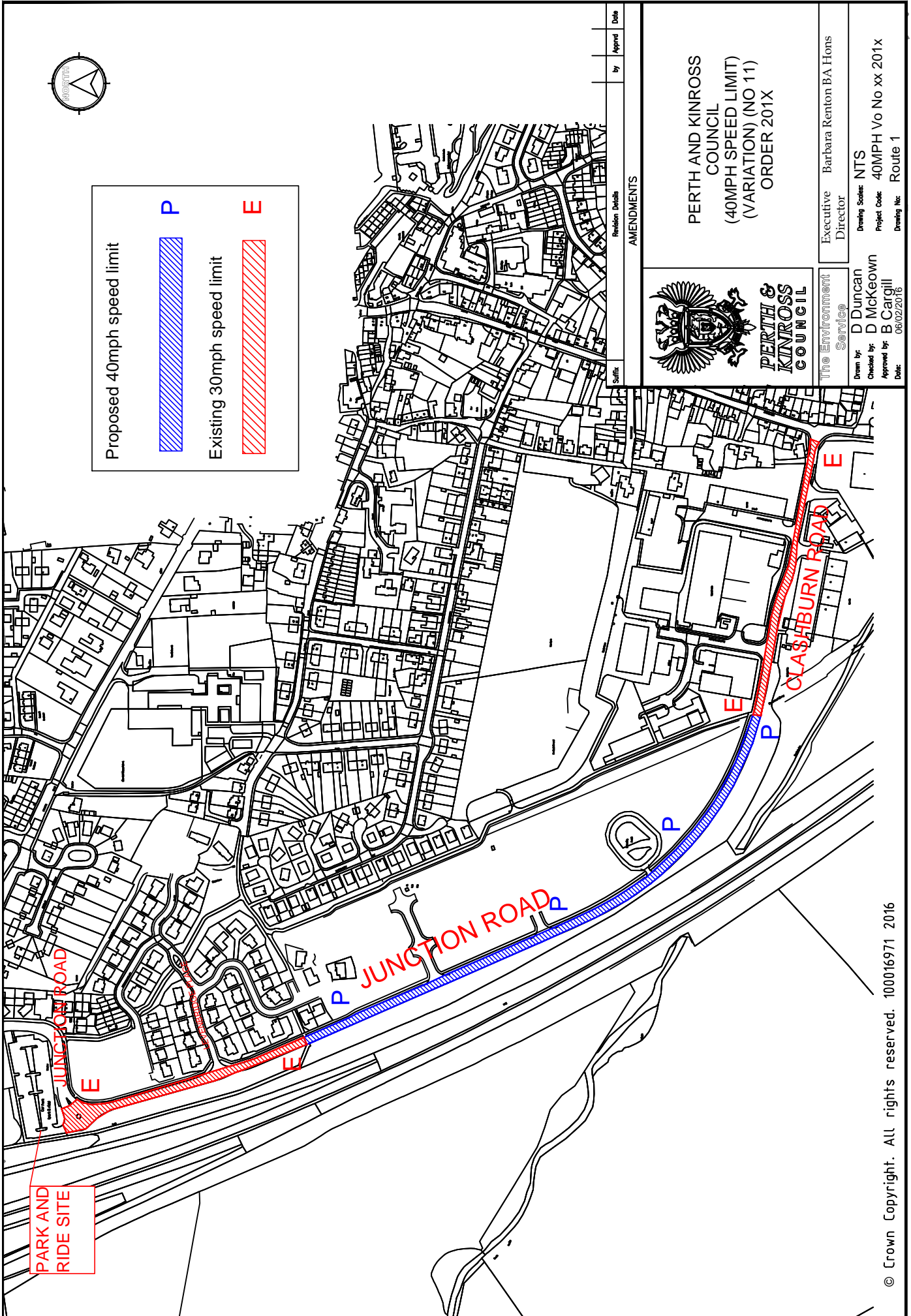
## **2. BACKGROUND PAPERS**

- 2.1 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:

- Enterprise and Infrastructure Committee 20th January 2016. proposed 40mph speed limit on Junction Road, Kinross (12.16/7)

### **3. APPENDICES**

3.1 The proposals are shown at Appendix 1.







**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Proposed Prohibition on Driving, Florence Place, Perth****Report by Director (Environment)**

This report outlines the problems experienced by Perth and Kinross Council due to the continued misuse of the automatic bollard at this location. This report recommends that a prohibition of driving is introduced to allow the automatic bollard to be removed and prevent vehicles from using Florence Place as a through road.

**1. BACKGROUND****FLORENCE PLACE**

- 1.1 Currently Florence Place has an island and automatic bollard arrangement, located approximately half way along it to allow traffic along Florence Place in one direction only. If travelling in the opposite direction, the road becomes a cul-de-sack with no through road access. The bollard was initially installed to reduce through traffic on Florence Place and stop Florence Place being used as a rat run to bypass any congestion on Dunkeld Road.
- 1.2 The bollard is controlled by a number of detector loops in the road that detect any approaching vehicles. The system uses a red and a green light to indicate when the bollard is in the lowered position and safe to drive over.
- 1.3 There has been an ongoing issue due to the bollard and traffic management system being abused on a regular basis. Damage is caused to the bollard and during the intervening period between the bollard being put out of action and being repaired, traffic freely flows in both directions along Florence Place. There are also costs incurred for these regular repairs as most responsible parties are not identified.

**2. PROPOSALS**

- 2.1 As a result of the above problems and continued damage incurred by the bollard, it is proposed that the bollard is removed and the road be completely closed by a permanent obstruction across the full width of the road. This will prevent through traffic completely and turn Florence Place into two cul-de-sacs being blocked approximately half way along by this obstruction. This will provide a more maintainable solution to the current problem.
- 2.2 Before these proposals can be carried out, full acceptance from elected members and residents will be required. It is proposed to carry out a full consultation and notification process on these proposals.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Orders. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised.
- 3.2 If objections are raised, these will be reported back to the Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee agrees to the promotion of a variation to the relevant TRO to introduce a prohibition of driving for a distance of 2 metres or thereby on Florence Place, as shown in Appendix 1.

#### Author

| Name            | Designation               | Contact Details                                                                                    |
|-----------------|---------------------------|----------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic & Network Manager | <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a><br>01738 475000 |

#### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Financial

#### Capital

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 There will be costs involved in promoting the variation to the Traffic Regulation Orders and carrying out civil construction works to amend the road layout to suit. The indicative cost of £300 for advertising the TRO will be met from the UTC Revenue budget in 2016/17. The estimated cost of £7500 for the construction works will be funded from the UTC Revenue budget in 2016/17.
- 2.3 It is estimated from previous years spend on bollard repairs and maintenance that there will be an annual cost saving of £4000.

#### Workforce

- 2.4 There are no workforce implications arising from this report.

#### Asset Management (land, property, IT)

- 2.5 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA.

#### Strategic Environmental Assessment

3.3 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). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

#### Sustainability

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

3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging sustainable modes of travel.

#### Legal and Governance

3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

#### Risk

3.7 There are no significant risks associated with the implementation of this project.

### **4. Consultation**

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

4.2 Police Scotland and the local Elected Members for the area have also been consulted and support the proposals.

## **5. Communication**

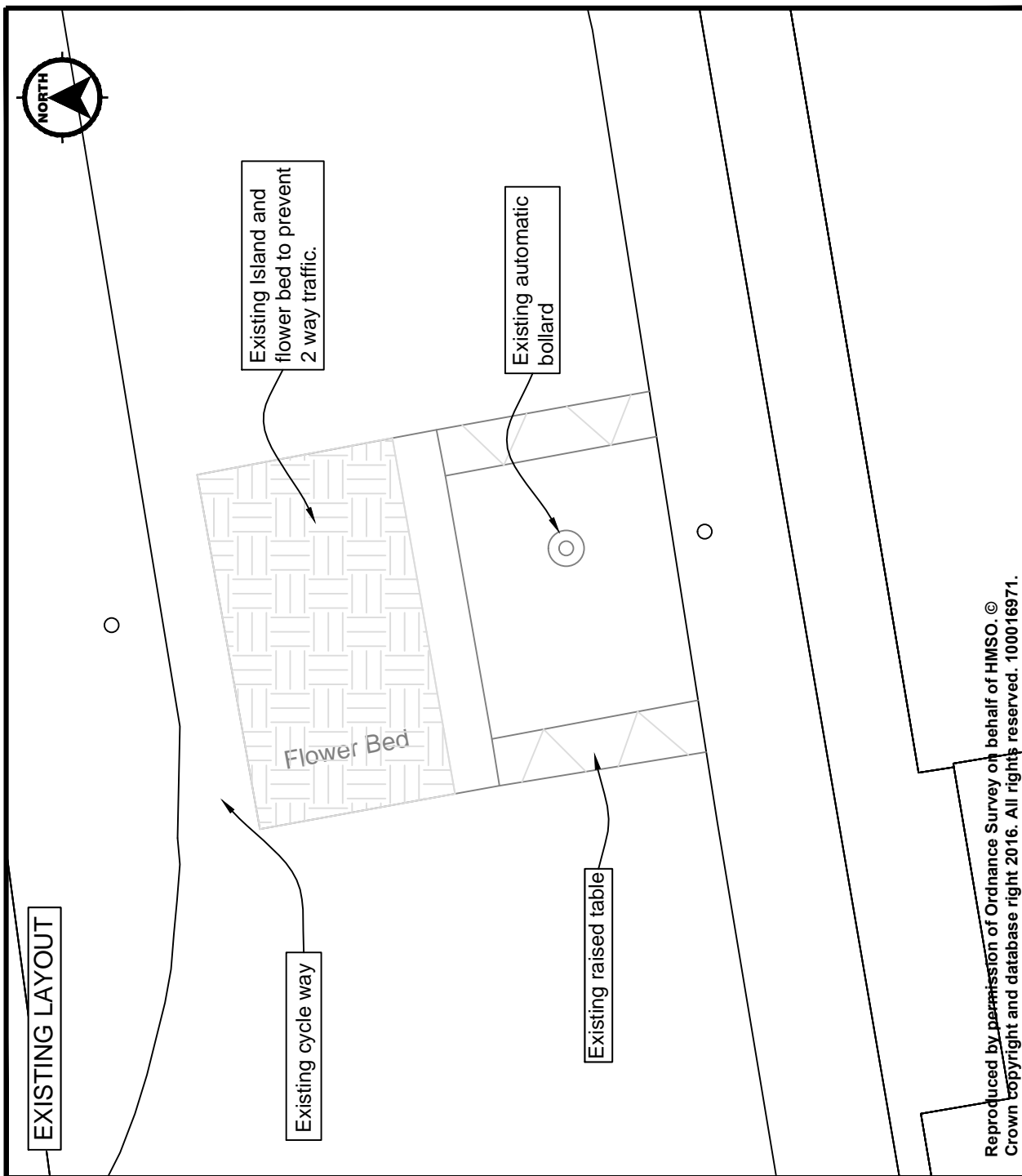
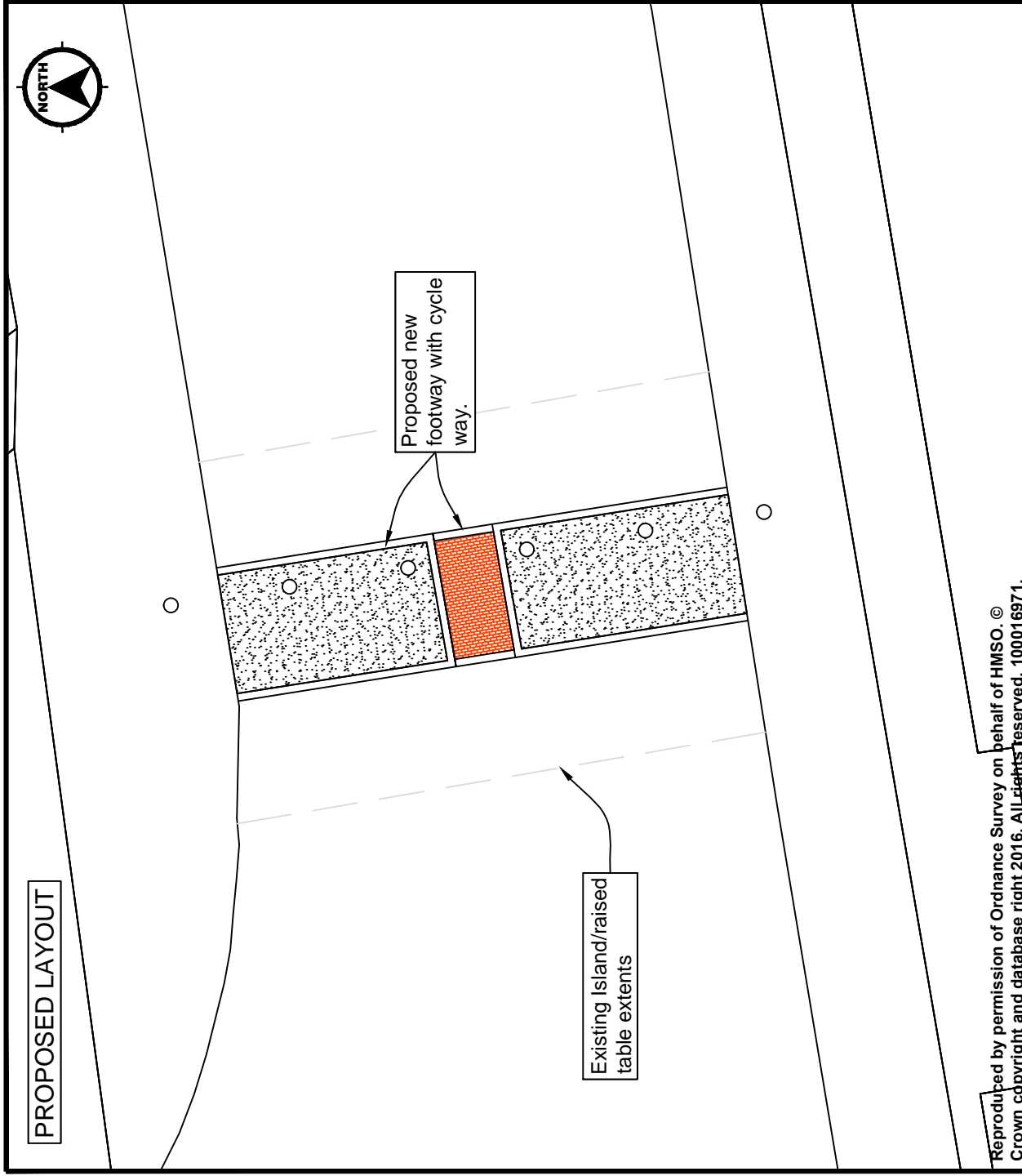
- 5.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

## **2. BACKGROUND PAPERS**

- 2.1 None.



## **3. APPENDICES**

- 3.1 The proposals are as shown on the drawings in Appendix 1



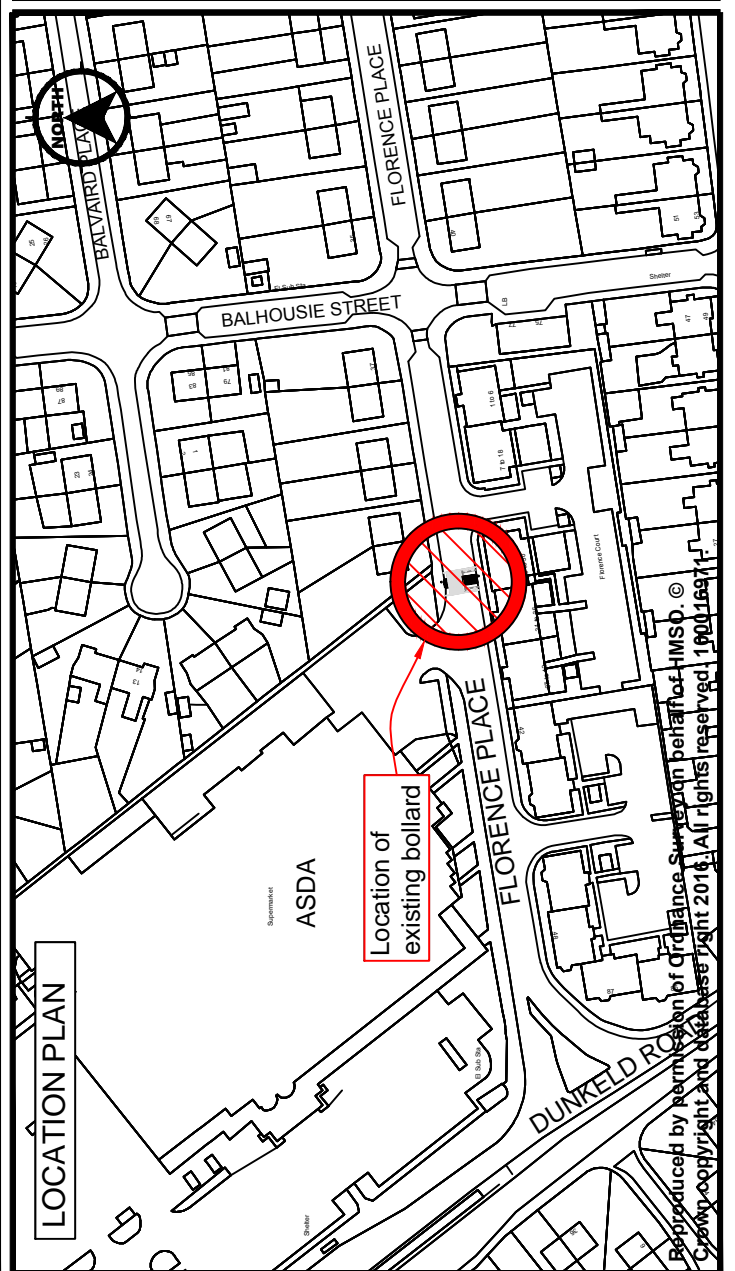
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|                                                                                                                           |                  |                                                                                  |        |      |
|---------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------|--------|------|
| Suffix                                                                                                                    | Revision Details | by                                                                               | Appr'd | Date |
|                                                                                                                           | AMENDMENTS       |                                                                                  |        |      |
| <br><b>PERTH &amp; KINROSS COUNCIL</b> |                  | <b>FLORENCE PLACE AUTOMATIC BOLLARD</b><br><b>PROPOSED LAYOUT AMENDMENTS</b>     |        |      |
| <br><b>The Environment Service</b>     |                  | Director - B. Renton BA Hons                                                     |        |      |
| Drawn by: M Findlay<br>Checked by: C Davidson<br>Approved by: C Haggart<br>Date: 12/07/2016                               |                  | Drawing Scales: Not to scale @ A3<br>Project Code: 43561<br>Drawing No: 43561_01 |        |      |

**NOTES:**

1. All works shall be set out on site with the Engineer's representative.
2. All dimensions in millimetres unless otherwise stated.



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**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Proposed Variation to Loading Bay Operational Times and Days, Perth****Report by Director (Environment)**

This report outlines the concerns of local businesses within the city centre of Perth regarding the varying times, and days of use for the city centre's loading bays. As a result of those concerns, they have requested that Perth & Kinross Council examine measures to make all the loading bays within the city centre operational from 8am to 6pm Monday to Saturday only.

**1. BACKGROUND****LOADING BAYS**

- 1.1 Several years ago, in an effort to assist local business with deliveries, Perth & Kinross Council introduced a series of loading bays on various streets within Perth City Centre.
- 1.2 The operational times and days of restriction for individual loading bays were varied to take into account the requirements of all road users. In the busiest streets, it was decided to introduce a 24 hour 7 day a week operation, while in other streets, the times were restricted to 8am to 6pm Monday to Saturday.
- 1.3 The reduced restricted times allowed for general parking in the evenings and at weekends.
- 1.4 Local businesses have now requested that in an effort to clarify the operational times, and also create additional evening and weekend parking facilities, all loading bays within the City should be operational from 8am to 6pm Monday to Saturday only.

**2. PROPOSALS**

- 2.1 As a result of the above requests from local residents and with the support of the local elected members, it is now proposed to amend the operational times of all loading bays within the city centre streets to 8am to 6pm Monday to Saturday only.
- 2.2 The proposals are shown on the plans at Appendix 1

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Orders. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised.
- 3.2 If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee agrees the promotion of a variation to the relevant TRO to amend the operational times of the loading bays within Perth.

#### Author

| Name            | Designation               | Contact Details                                |
|-----------------|---------------------------|------------------------------------------------|
| Charles Haggart | Traffic & Network Manager | 01738 475000<br>TESCommitteeReports@pkc.gov.uk |

#### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Financial

#### Capital

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 There will be costs involved in promoting the variation to the Traffic Regulation Orders and providing the road markings. The indicative cost of £300 for advertising the TRO will be met from the Car Parking Account in 2016/17. The estimated cost of £1000 for the road signs will be funded from the Car Parking Account in 2016/17.

#### Workforce

- 2.3 There are no workforce implications arising from this report.

#### Asset Management (land, property, IT)

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

- 3.3 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). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging sustainable modes of travel.

### Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland and the local elected members for the area have also been consulted and support the proposals.

## **5. Communication**

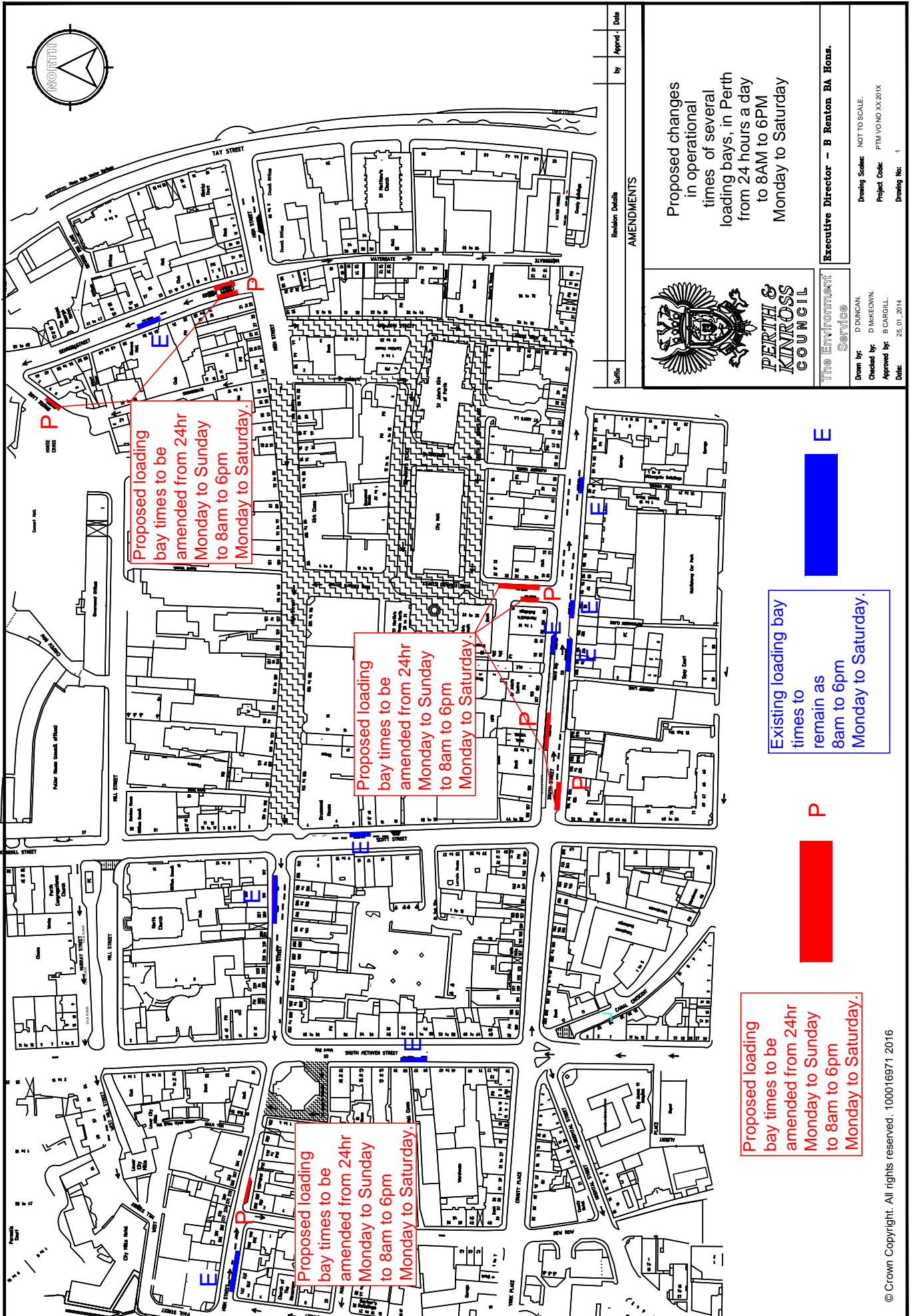
- 5.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

## **2. BACKGROUND PAPERS**

- 2.1 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.

## **3. APPENDICES**

- 3.1 The proposals are as shown on the drawings in Appendix 1.



Proposed loading bay times to be amended from 24hr Monday to Sunday to 8am to 6pm Monday to Saturday.

Proposed loading bay times to be amended from 24hr Monday to Sunday to 8am to 6pm Monday to Saturday.

Proposed loading bay times to be amended from 24hr Monday to Sunday to 8am to 6pm Monday to Saturday.

Proposed loading bay times to be amended from 24hr Monday to Sunday to 8am to 6pm Monday to Saturday.

Existing loading bay times to remain as 8am to 6pm Monday to Saturday.



**PERTH & KINROSS COUNCIL**

The Environment Service  
 Drawn by: D DUNCAN  
 Checked by: D MCKEOWN  
 Approved by: B CARGILL  
 Date: 25.01.2014

Proposed changes in operational times of several loading bays, in Perth from 24 hours a day to 8AM to 6PM Monday to Saturday

Executive Director – B Ranton BA Honas.

Drawing Scale: NOT TO SCALE.  
 Project Code: PTM/VO/NO XX/201X  
 Drawing No: 1

| Suffix | Revision Details | by | Apprval | Date |
|--------|------------------|----|---------|------|
|        | AMENDMENTS       |    |         |      |





## PERTH AND KINROSS COUNCIL

## Enterprise and Infrastructure Committee

7 September 2016

**Proposed Variation to Waiting Restrictions, Douglas Crescent, Emslie Drive and The Muirs, Kinross****Report by Director (Environment)**

This report outlines the problems experienced by the local residents of Douglas Crescent, Emslie Drive and the Muirs, Kinross due to indiscriminate parking. The report recommends a variation to the Kinross Traffic Management Order to introduce No Waiting at Any Time waiting restrictions, on Douglas Crescent, Emslie Drive and the Muirs/ Muirpark Grove/Muirgrove/Muirpark Road, Kinross.

**1. BACKGROUND****DOUGLAS CRESCENT/EMSLIE DRIVE**

- 1.1 Douglas Crescent and Emslie Drive are situated within walking distance of Kinross Primary School. The entry points to both streets are regularly used by parents to park up when collecting the children at the end of the school day.
- 1.2 A number of residents, with the support of the local members, have raised concerns that the numbers of vehicles being parked close to the junctions of both streets with Station Road are causing serious problems. Due to these concerns, the residents have requested the introduction of No Waiting at Any Time waiting restrictions to alleviate indiscriminate parking.
- 1.3 As a result, it is proposed to vary the Traffic Management Order to introduce additional No Waiting at Any Time waiting restrictions on Douglas Crescent, and Emslie Drive into the Kinross Traffic Management Order. These are shown in Appendix 1. Local consultation was undertaken to gauge opinion and the results are shown below:

**DOUGALS CRESCENT/EMSLIE DRIVE**

| <b><u>Name on file</u></b> | <b><u>Comment or objection</u></b>                                                                               | <b><u>Response</u></b>                                                                       |
|----------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
|                            | All the residents that responded have supported the proposals, with a few suggesting extending the restrictions. | The restrictions are to protect the access/egress only during school pick up and drop times. |
| Elected Members            | All supportive                                                                                                   |                                                                                              |

## MUIRS, KINROSS

- 1.4 The Muirs is a busy route through Kinross and is used by a large volume of traffic.
- 1.5 Over the past few years, the nearby Masonic Hall and Church have seen an increase in the number of people attending various meetings and functions. This has also resulted in an increase in the volume of vehicles being parked close to the junctions, generating problems for the local community in gaining access or when attempting to leave.
- 1.6 A number of residents in the surrounding streets adjacent to the main road, with the support of a local member, have raised concerns regarding the volume of vehicles being parked in close proximity to the junctions of the Muirs/Muirpark Grove/Muirgrove/Muirpark Road. Due to these concerns, the local community have requested the introduction of No Waiting at Any Time waiting restrictions at these junctions to alleviate indiscriminate parking.
- 1.7 As a result, it is proposed to vary the Traffic Management Order to introduce additional No Waiting at Any Time waiting restrictions on Muirs/Muirpark Grove/Muirgrove/Muirpark Road into the Kinross Traffic Management Order, and these are shown in Appendix 2. Local consultation was undertaken to gauge opinion and the results are shown below:

### MUIRS/MUIRPARK GROVE/MUIRGROVE/MUIRPARK ROAD

| <u>Name on file</u> | <u>Comment or objection</u>                                                                                                                                  | <u>Response</u>                                                                                                                      |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|                     | Local hotelier concerned that parking restrictions will harm his business                                                                                    | The restrictions are necessary to allow access/egress and for safety.                                                                |
|                     | Three residents have objected, claiming that restrictions will only move the problem elsewhere and this may lead to a loss of parking in front of their home | Residents do not have any right to park in front of the home. Restrictions are necessary to maintain clear sight lines at junctions. |
|                     | Eleven other residents responded supporting the proposals. One resident has requested further restrictions                                                   | The restrictions are to protect the access/egress for safety reasons.                                                                |
| Elected Members     | All supportive                                                                                                                                               |                                                                                                                                      |

## 2. PROPOSALS

- 2.1 As a result of the above requests from local residents and with the support of the local elected members, it is now proposed to introduce No Waiting at Any Time waiting restrictions on Douglas Crescent, Emslie Drive and the Muirs/ Muirpark Grove/Muirgrove/Muirpark Road in Kinross.
- 2.2 The proposals are shown on the plans at Appendices 1 and 2.

## 3. CONCLUSION AND RECOMMENDATION

- 3.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Orders. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised.
- 3.2 If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee agrees to the promotion of a variation to the relevant TRO to introduce additional No Waiting at Any Time waiting restrictions on Douglas Crescent, Emslie Drive and the Muirs/Muirpark Grove/Muirgrove/Muirpark Road, as described.

### Author

| Name            | Designation               | Contact Details                                                                                    |
|-----------------|---------------------------|----------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic & Network Manager | <a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a><br>01738 475000 |

### Approved

| Name           | Designation            | Date         |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.

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

1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Financial

#### Capital

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 There will be costs involved in promoting the variation to the Traffic Regulation Orders and providing the road markings. The indicative cost of £300 for advertising the TRO will be met from the Car Parking Account in 2016/17. The estimated cost of £500 for the road markings will be funded from the Car Parking Account in 2016/17.

#### Workforce

- 2.3 There are no workforce implications arising from this report.

#### Asset Management (land, property, IT)

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

- 3.3 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). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging sustainable modes of travel.

### Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland and local elected members for the area have also been consulted and support the proposals.

## **5. Communication**

- 5.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

## **2. BACKGROUND PAPERS**

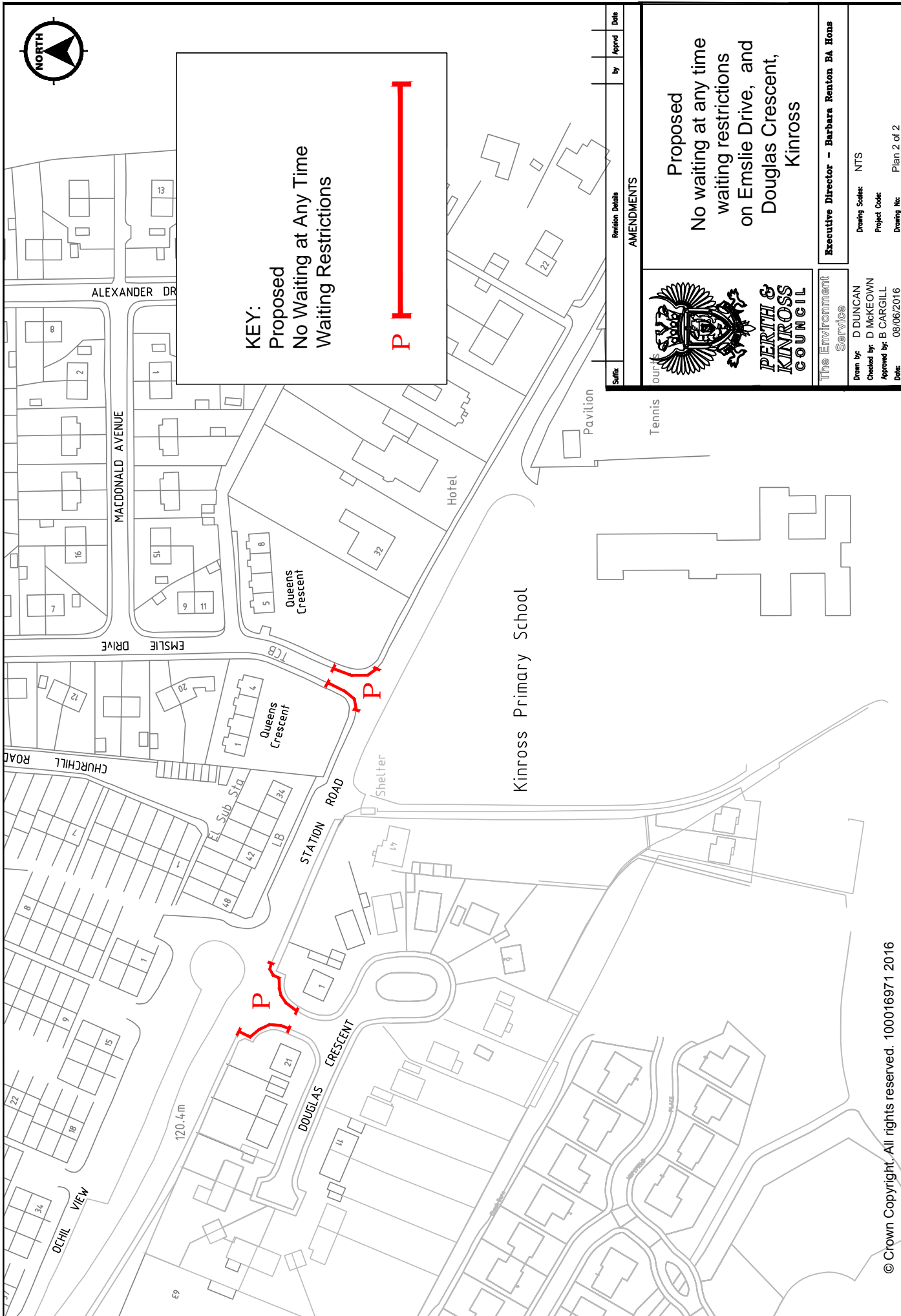
- 2.1 None

### **3. APPENDICES**

3.1 The proposals are as shown on the drawings in Appendices 1-2








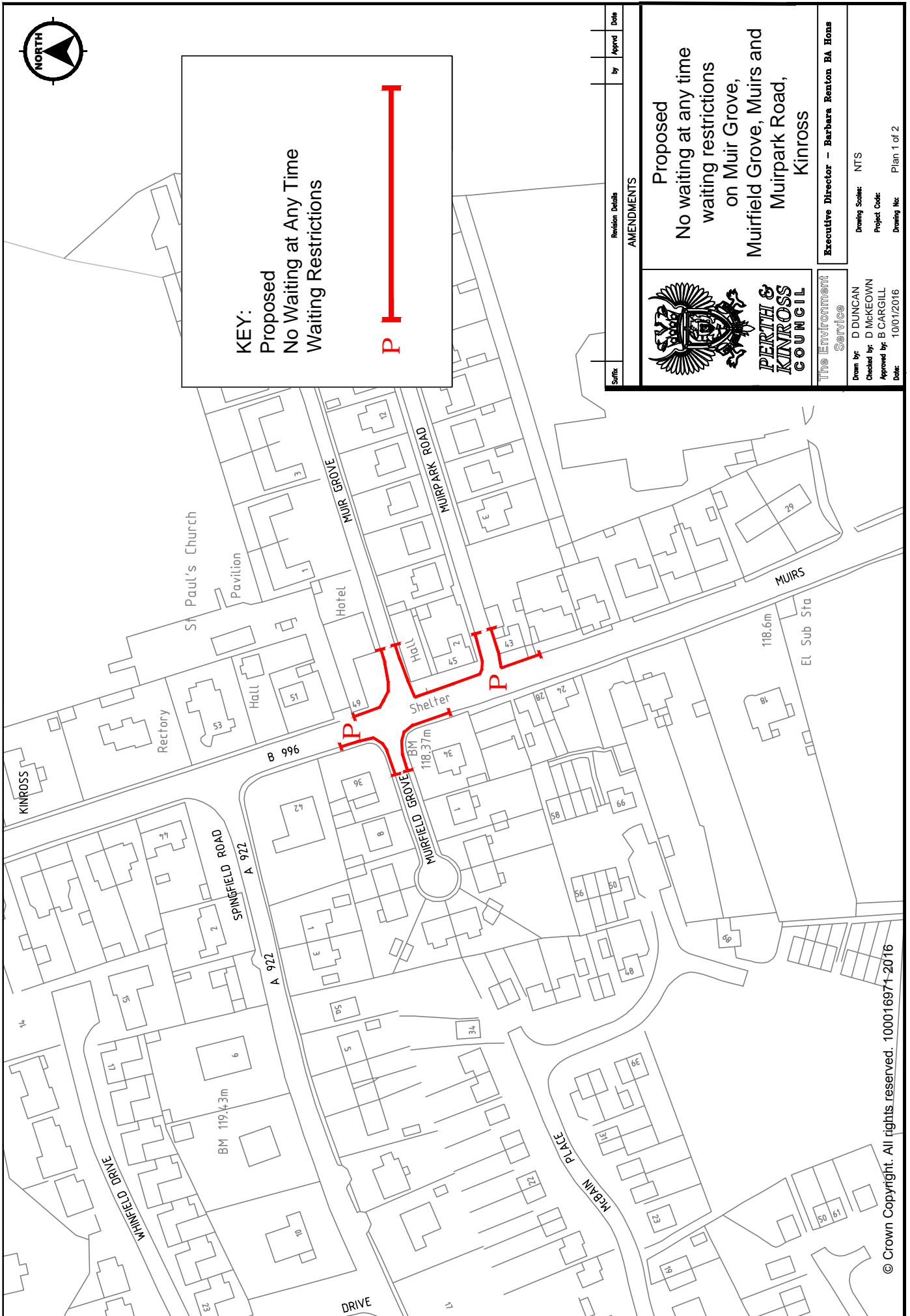
**KEY:**  
 Proposed  
 No Waiting at Any Time  
 Waiting Restrictions

P

|                                                                                                                                                                                                                                                       |                                |                                          |                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Suffix: _____<br>Date: _____                                                                                                                                                                                                                          | Revision Details<br>AMENDMENTS | by _____<br>Approved _____<br>Date _____ | <p style="font-size: 1.5em; margin: 0;">Proposed<br/>                 No waiting at any time<br/>                 waiting restrictions<br/>                 on Emslie Drive, and<br/>                 Douglas Crescent,<br/>                 Kinross</p> |
|  <p style="font-weight: bold; margin: 0;">PERTH &amp; KINROSS COUNCIL</p> <p style="font-size: 0.8em; margin: 0;">The Environment<br/>                 Service</p> |                                |                                          | Executive Director - Barbara Renton BA Hons<br>NTS<br>Drawing Scale:<br>Project Code:<br>Drawing No: Plan 2 of 2                                                                                                                                         |
| Drawn by: D DUNCAN<br>Checked by: D McKEOWN<br>Approved by: B CARGILL<br>Date: 08/06/2016                                                                                                                                                             |                                |                                          |                                                                                                                                                                                                                                                          |

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**PERTH AND KINROSS COUNCIL**

**Enterprise and Infrastructure Committee**

**7 September 2016**

**Proposed Variation to Waiting Restrictions, Kingswell Terrace, Needless Road  
Perth**

**Report by Director (Environment)**

This report outlines the problems experienced by the local residents & businesses of Kingswell Terrace and Needless Road, Perth due to indiscriminate parking. The report recommends a variation to the Perth Traffic Management Order to introduce waiting restrictions on Kingswell Terrace and Needless Road, Perth

**1. BACKGROUND**

**KINGSWELL TERRACE**

- 1.1 Kingswell Terrace is situated within the Letham housing estate. The particular short section of road is only wide enough for single vehicle and leads into an area which services several garages and lock ups. The road is also a cul de sac where several houses are serviced by means of a footpath.
- 1.2 A number of residents, with the support of the local members, have raised concerns regarding a resident continually parking their vehicle within the hammer head turning area, which has resulted in several instances of cars being blocked in. Due to these concerns, the residents have requested the introduction of waiting restrictions to alleviate the indiscriminate parking.
- 1.3 As a result, it is proposed to vary the Traffic Management Order to introduce additional No Waiting at Any Time waiting restrictions on Kingswell Terrace into the Perth Traffic Management Order. These are shown in Appendix 1. Local consultation was undertaken to gauge opinions, the results are shown below.

| Name on file    | Comment or objection                       | Response |
|-----------------|--------------------------------------------|----------|
|                 | 3 residents responded supporting proposals |          |
| Elected members | All supportive                             |          |

**NEEDLESS ROAD, PERTH**

- 1.4 Needless Road in Perth serves a range of residential properties, businesses and the West End Bowling Club. It is a popular through route between the city centre and the Craigie area of Perth.

- 1.5 A number of residents, with the support of local members, have raised concerns that the numbers of vehicles being parked in close proximity to the mini roundabout at the junction of Needless Road and Gray Street are causing problems. Due to these concerns, the local community have requested the introduction of waiting restrictions to alleviate indiscriminate parking.
- 1.6 As a result, it is proposed to vary the Traffic Management Order to introduce additional No Waiting at Any Time waiting restrictions on Needless Road into the Perth Traffic Management Order, and these are shown in Appendix 2. Local Consultation was undertaken to gauge opinion the results are shown below:

| Name on file    | Comment or objection                                                                                                                                                                     | Response                                                                                                            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|                 | 1 Resident and 2 businesses responded. All support the proposals on grounds of safety. Resident has queried the need to extend the lines beyond the Gray Street, Needless Road junction. | Extended length is necessary to maintain a clear line of sight for vehicles approaching and exiting the roundabout. |
| elected members | All supportive                                                                                                                                                                           |                                                                                                                     |

## 2. PROPOSALS

- 2.1 As a result of the above requests from local residents and with the support of the local elected members, it is now proposed to introduce No Waiting at Any Time waiting restrictions on Kingswell Terrace and Needless Road, Perth.
- 2.2 The proposals are shown on the plans at Appendices 1 and 2.

## 3. CONCLUSION AND RECOMMENDATION

- 3.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Orders. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised.
- 3.2 If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee approve the promotion of a variation to the relevant TRO to introduce additional No Waiting at Any Time waiting restrictions on Kingswell Terrace and Needless Road, Perth as outlined in Appendices 1 and 2.

**Author**

| <b>Name</b>     | <b>Designation</b>        | <b>Contact Details</b>                                                                           |
|-----------------|---------------------------|--------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic & Network Manager | <a href="mailto:TESCommitteeReport@pkc.gov.uk">TESCommitteeReport@pkc.gov.uk</a><br>01738 475000 |

**Approved**

| <b>Name</b>    | <b>Designation</b>     | <b>Date</b>  |
|----------------|------------------------|--------------|
| Barbara Renton | Director (Environment) | 19 July 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.



## Corporate Plan

- 1.3 The Council's Corporate Plan 2013-2018 outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Financial

#### Capital

- 2.1 There are no Capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 There will be costs involved in promoting the variation to the Traffic Regulation Orders and providing the road markings. The indicative cost of £300 for advertising the TRO will be met from the Car Parking Account in 2016/17. The estimated cost of £400 for the road markings will be funded from the Car Parking Account in 2016/17.

#### Workforce

- 2.3 There are no workforce implications arising from this report.

#### Asset Management (land, property, IT)

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

- 3.3 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). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 The proposals contained within the report are assessed to have a positive impact on sustainability, particularly with regard to encouraging sustainable modes of travel.

### Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland and local elected members for the area have also been consulted and support the proposals.

## **5. Communication**

- 5.1 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. Should objections be raised, these will be reported back to Committee, with appropriate recommendations.

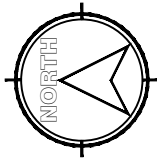
## **2. BACKGROUND PAPERS**

- 2.1 None

### **3. APPENDICES**

3.1 The proposals are as shown on the drawings in Appendices 1 and 2.





**Key:**

No waiting at any time (Existing) **E**

No waiting at any time proposed **P**

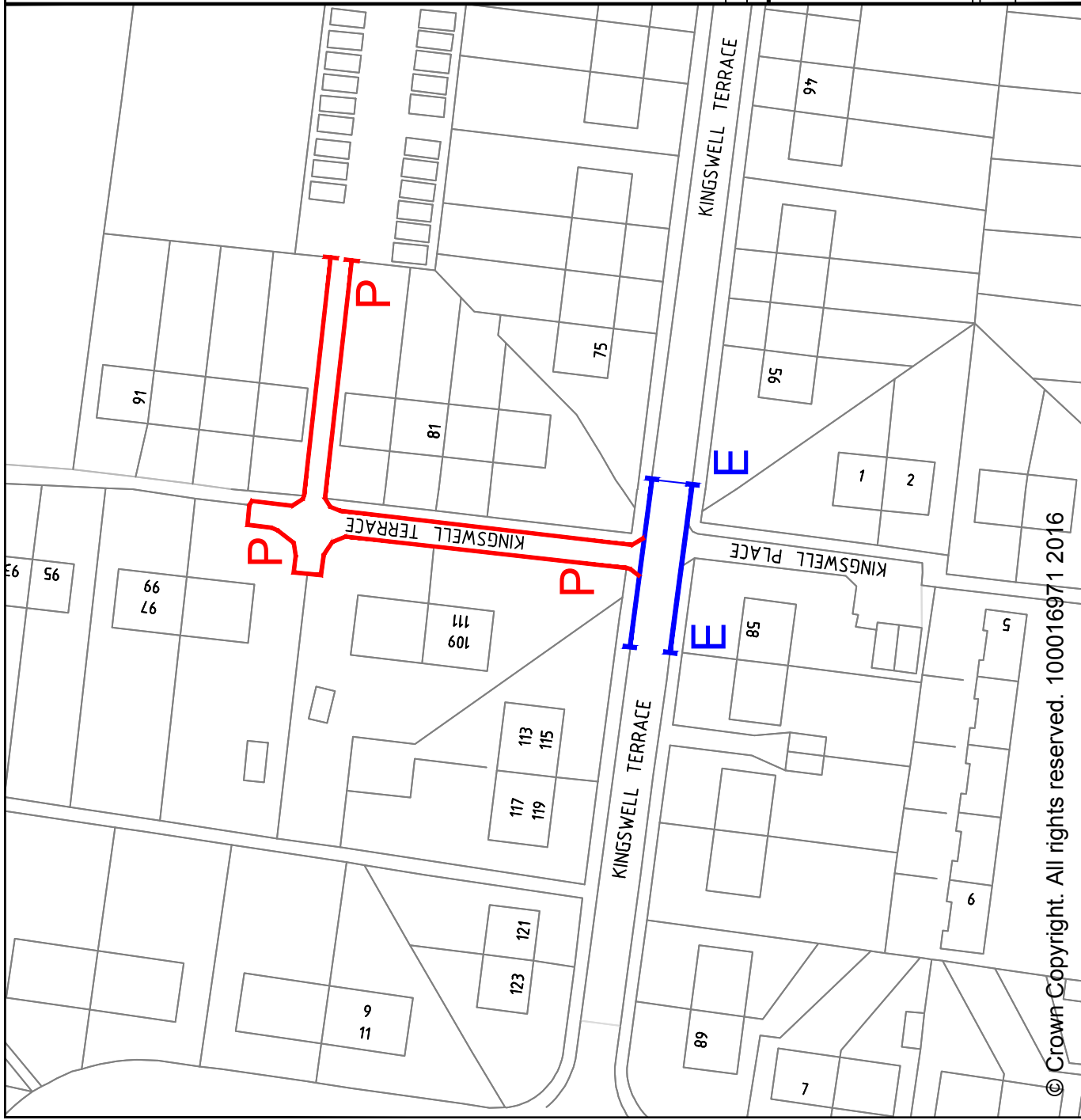
| Suffix | Revision Details | By | Approve | Date |
|--------|------------------|----|---------|------|
|        | AMENDMENTS       |    |         |      |



The Environment Service  
 Drawn by: D DUNCAN  
 Checked by: D McKEOWN  
 Approved by: B CARGILL  
 Date: 16\_06\_16

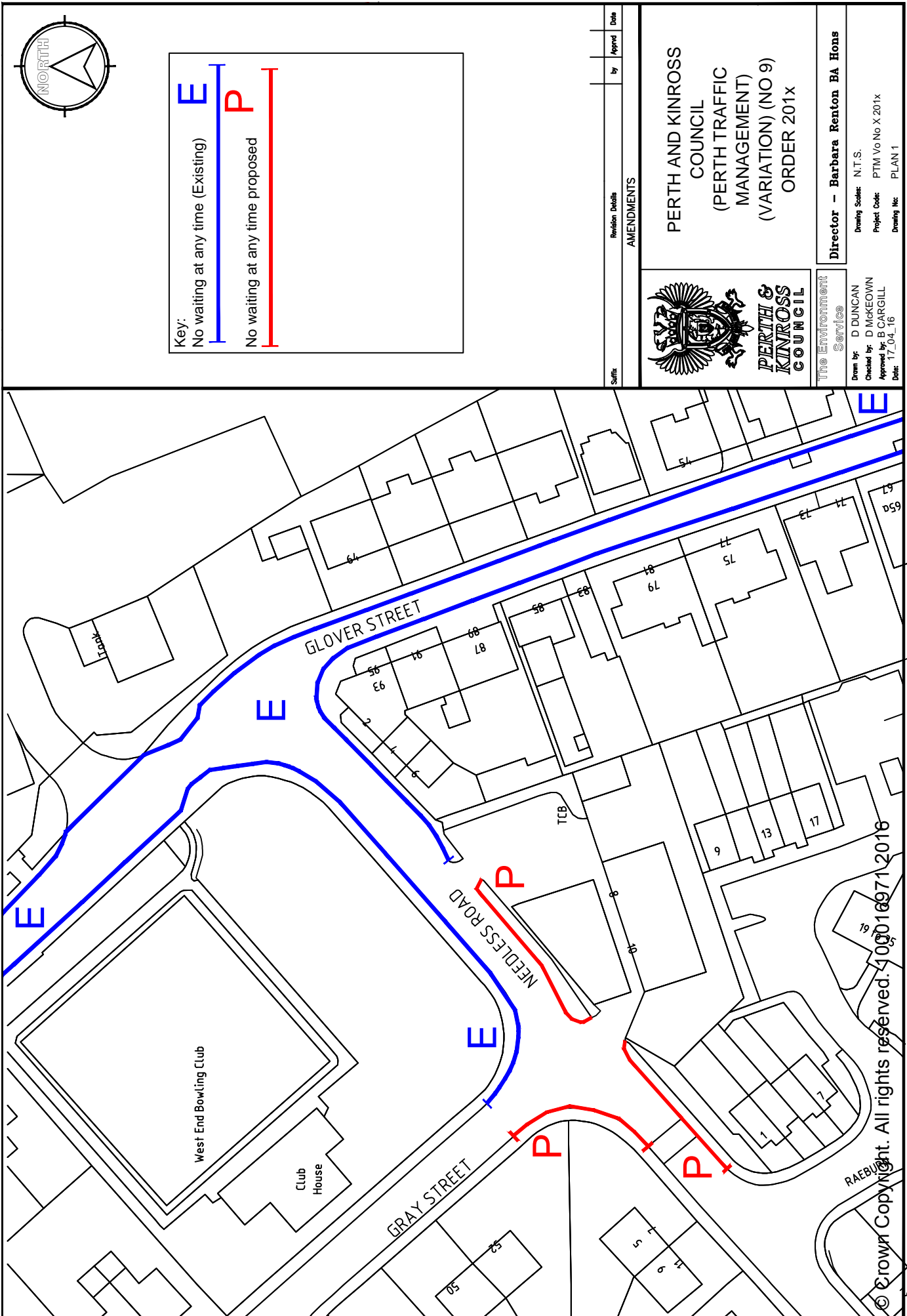
Proposed  
 No Waiting at  
 Any Time  
 Waiting Restrictions  
 Kingwell Terrace, Perth

Director - Barbara Renton BA Hons  
 Drawing Scale: N.T.S.  
 Project Code: PTM Vo No X.201x  
 Drawing No: PLAN 2



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**PERTH AND KINROSS COUNCIL****Enterprise and Infrastructure Committee****7 September 2016****Amendments to the List of Public Roads****Report by Director (Environment)**

This report recommends that the List of Public Roads be updated to take account of the amendments detailed in this report.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Roads (Scotland) Act, 1984 requires the Council to keep a List of Public Roads, which it has a duty to manage and maintain. The Act makes provision for new or upgraded sections of road to be added to the List from time to time.
- 1.2 Main Road, Aberuthven was constructed under Construction Consent. It has been completed in accordance with the Council's Road Standards and a satisfactory twelve-month maintenance period has expired. The developer of the road has requested that it be added to the List of Public Roads. Consequently, in accordance with Section 16 of the Roads (Scotland) Act 1984, the Council, as Roads Authority, is obliged to add such roads to its List of Public Roads.
- 1.3 Access Road leading to Gleneagles Station was constructed by the Council.
- 1.4 The remainder of the roads on the attached schedule were brought up to an adoptable standard by the residents with financial assistance from the Council.

**2. PROPOSALS**

- 2.1 It is proposed to amend the List of Public Roads as detailed in the attached schedule.

**3. CONCLUSION AND RECOMMENDATION**

- 3.1 The roads detailed in the attached schedule have been completed to the required standards and should now be added to the List of Public Roads.
- 3.2 It is recommended that the Committee approves the additions to the List of Public Roads as detailed in Appendix 1.

### Author

| <b>Name</b>  | <b>Designation</b> | <b>Contact Details</b>                                                                             |
|--------------|--------------------|----------------------------------------------------------------------------------------------------|
| Brian Fraser | Technician         | 01738 475000<br><a href="mailto:TESCommitteeReports@pkc.gov.uk">TESCommitteeReports@pkc.gov.uk</a> |

### Approved

| <b>Name</b>    | <b>Designation</b>     | <b>Date</b>   |
|----------------|------------------------|---------------|
| Barbara Renton | Director (Environment) | 9 August 2016 |

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All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Corporate Plan

1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

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

1.2 This report relates to (iv) and (v) above.

### 2. Resource Implications

#### Financial

2.1 There are no Capital resource implications arising directly from the recommendations in this report.

- 2.2 The revenue commitments arising from the routine maintenance of the new roads are detailed in the schedule. The amount of £51,427 for Routine and Cyclic Maintenance, and additional expenditure on Street Cleaning, will require to be prioritised within the existing Environment Service Revenue Budget in future years.

Asset Management (land, property, IT)

- 2.3 These roads will be added to the Council's Asset Management Register.

**3. Assessments**

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 This section should reflect that the proposals have been considered under the Act and no further action is required as it does not qualify as a Plan, Programme or Strategy (PPS) as defined by the Act and is therefore exempt.

**4. Consultation**

Internal

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

External

- 4.2 The owners of properties adjacent to Council or resident constructed roads were consulted on the proposals, and a notice was placed in the local newspaper. No objections were received.

## **2. BACKGROUND PAPERS**

- 2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

## **3. APPENDICES**

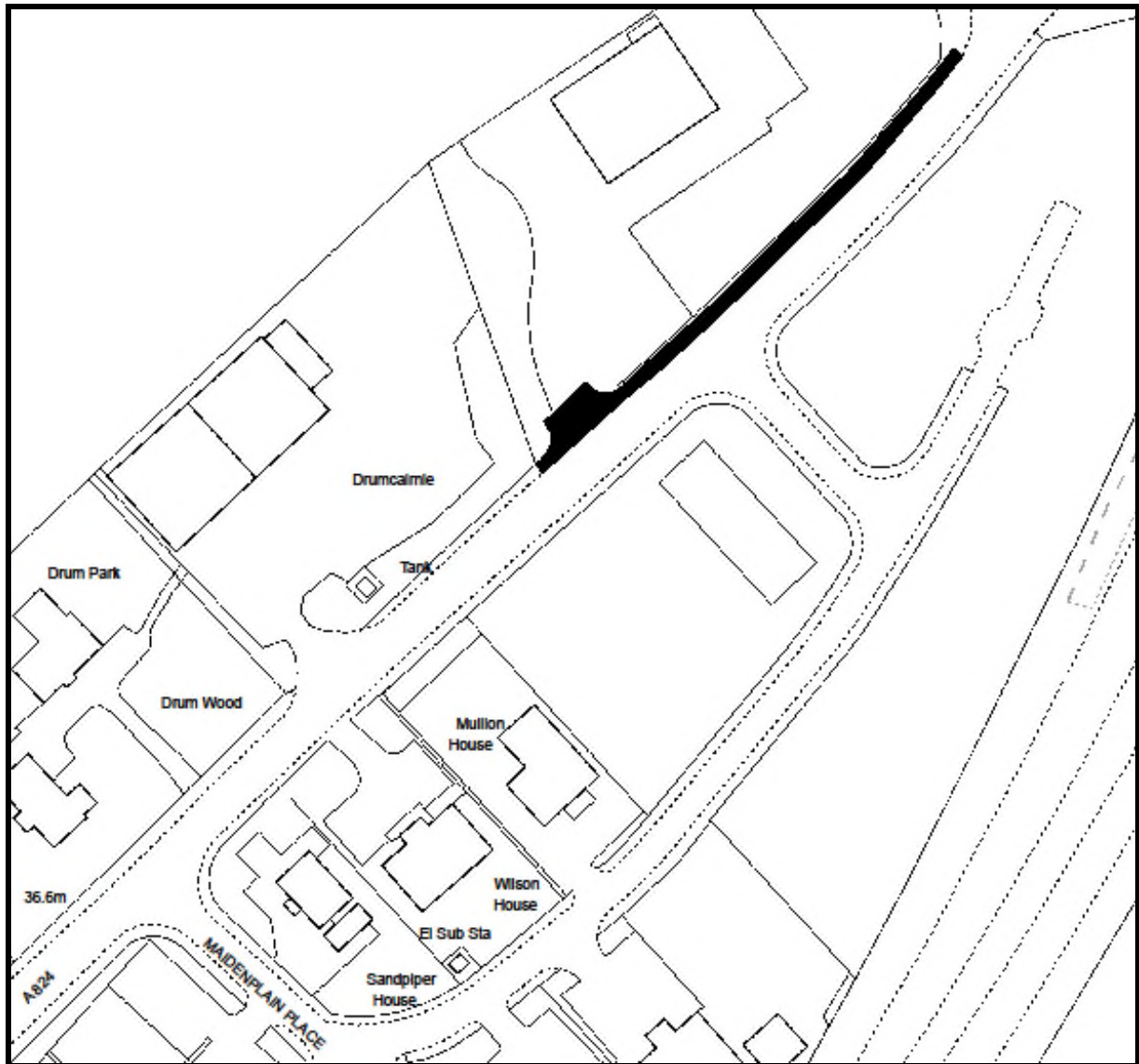
- 3.1 Appendix 1 - Schedule for Additions to the List of Public Roads



## Schedule for Additions to the List of Public Roads

| Town          | Street Name                               | Construction Consent No. | Developer              | Length        | Ward | Street Lighting Columns | Remarks                                                             | Financial Implications |                 |
|---------------|-------------------------------------------|--------------------------|------------------------|---------------|------|-------------------------|---------------------------------------------------------------------|------------------------|-----------------|
|               |                                           |                          |                        |               |      |                         |                                                                     | Roads                  | Street Lighting |
| Aberuthven    | Main Road                                 | CC/PK/07/22              | Strathearn Engineering | N/A           | 7    | 1                       | 108m of new footway and new access adjacent to existing public road | £404                   | £65             |
| Crieff        | Knock Road                                | N/A                      | N/A                    | 201m          | 6    | 4                       |                                                                     | £4,512                 | £260            |
| Gleneagles    | Access Road leading to Gleneagles Station | N/A                      | N/A                    | 1,246m        | 7    | 30                      |                                                                     | £27,973                | £1,950          |
| Perth         | Manson Avenue                             | N/A                      | N/A                    | 84m           | 12   | 3                       |                                                                     | £1,886                 | £195            |
| Perth         | Manson Crescent                           | N/A                      | N/A                    | 283m          | 12   | 8                       |                                                                     | £6,353                 | £520            |
| Perth         | Manson Terrace                            | N/A                      | N/A                    | 314m          | 12   | 4                       |                                                                     | £7,049                 | £260            |
| <b>TOTALS</b> |                                           |                          |                        | <b>2,128m</b> |      | <b>50</b>               |                                                                     | <b>£48,177</b>         | <b>£3,250</b>   |

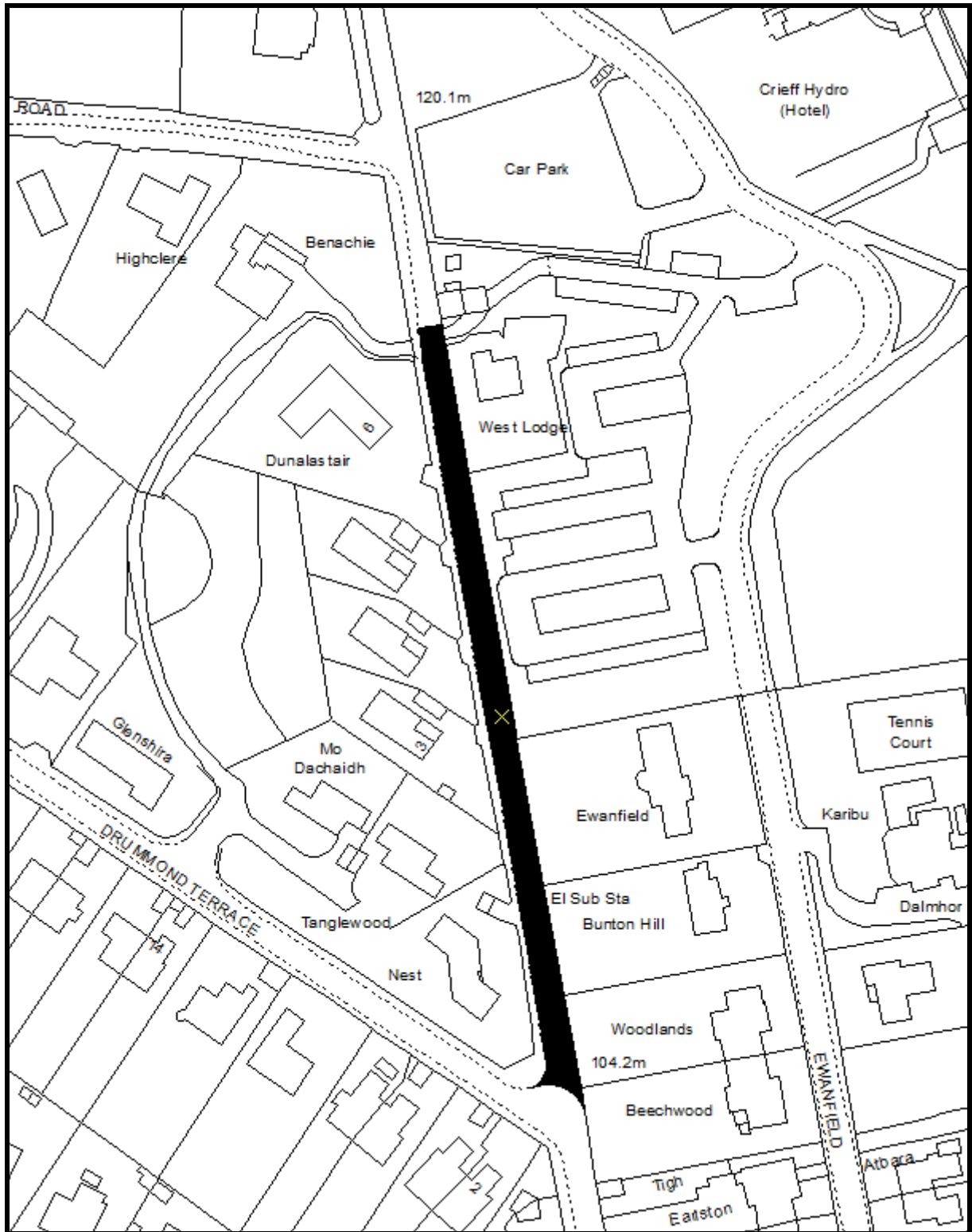
Main Road, Aberuthven



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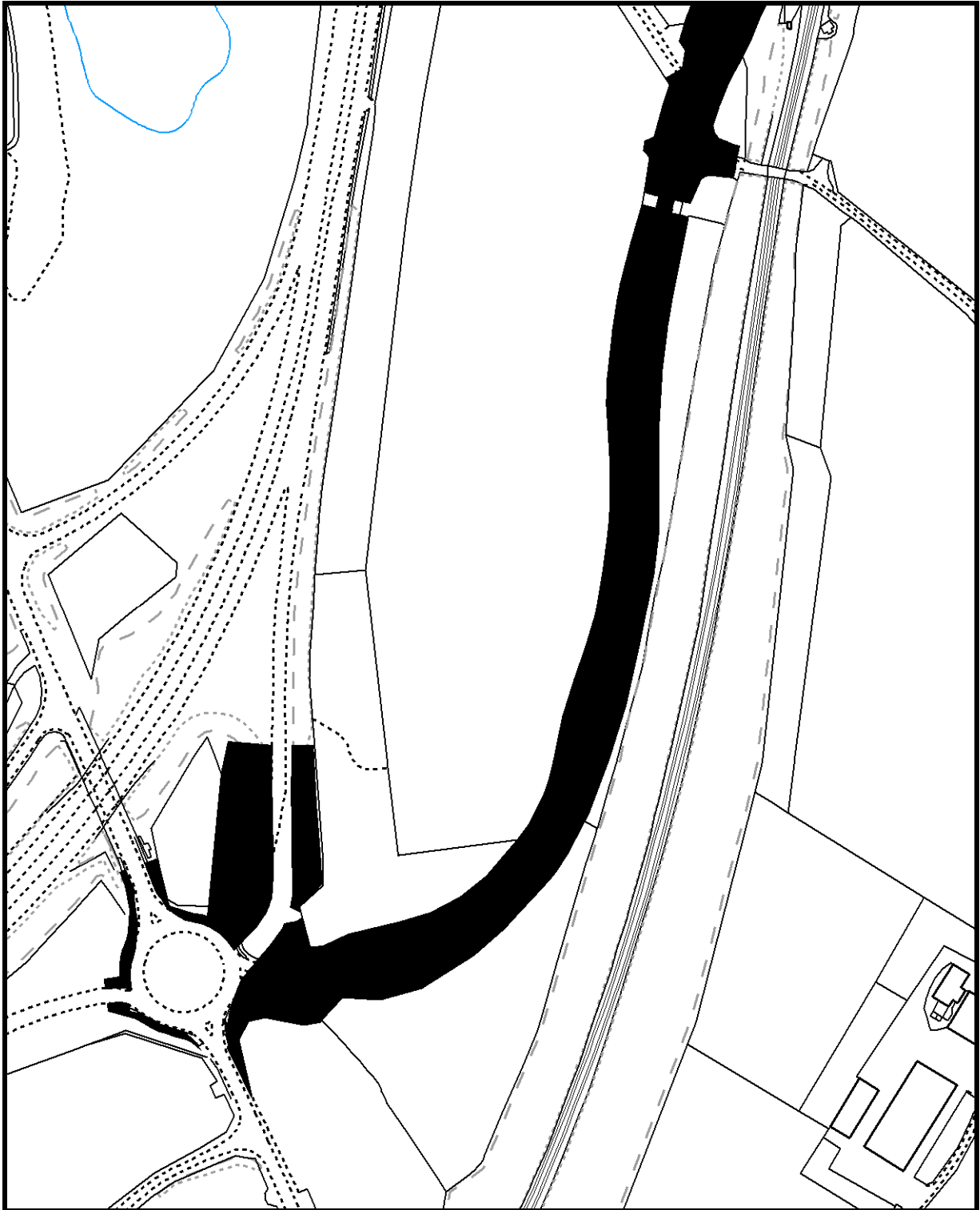


Knock Road, Crieff



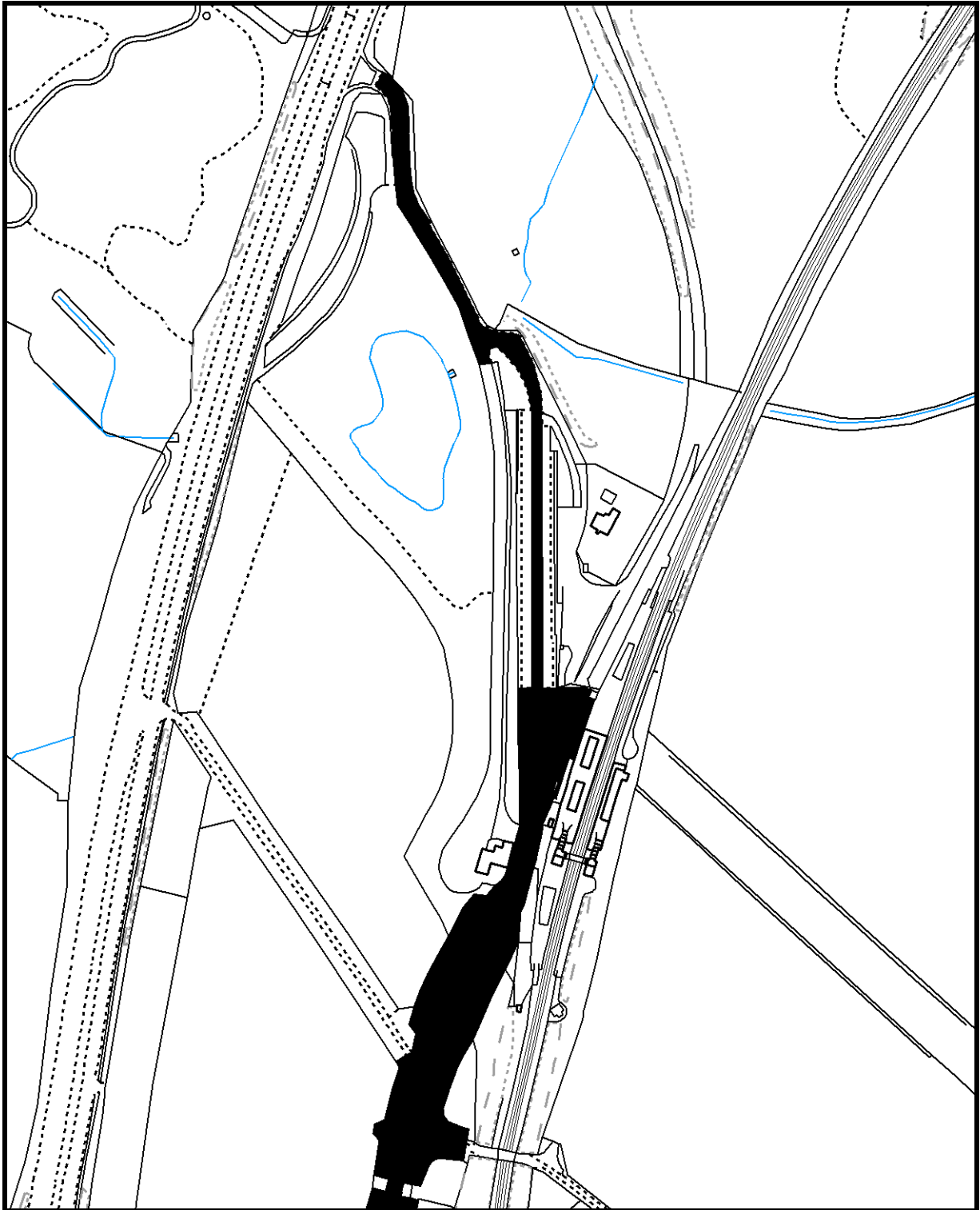
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Access Road leading to Gleneagles Station, Gleneagles



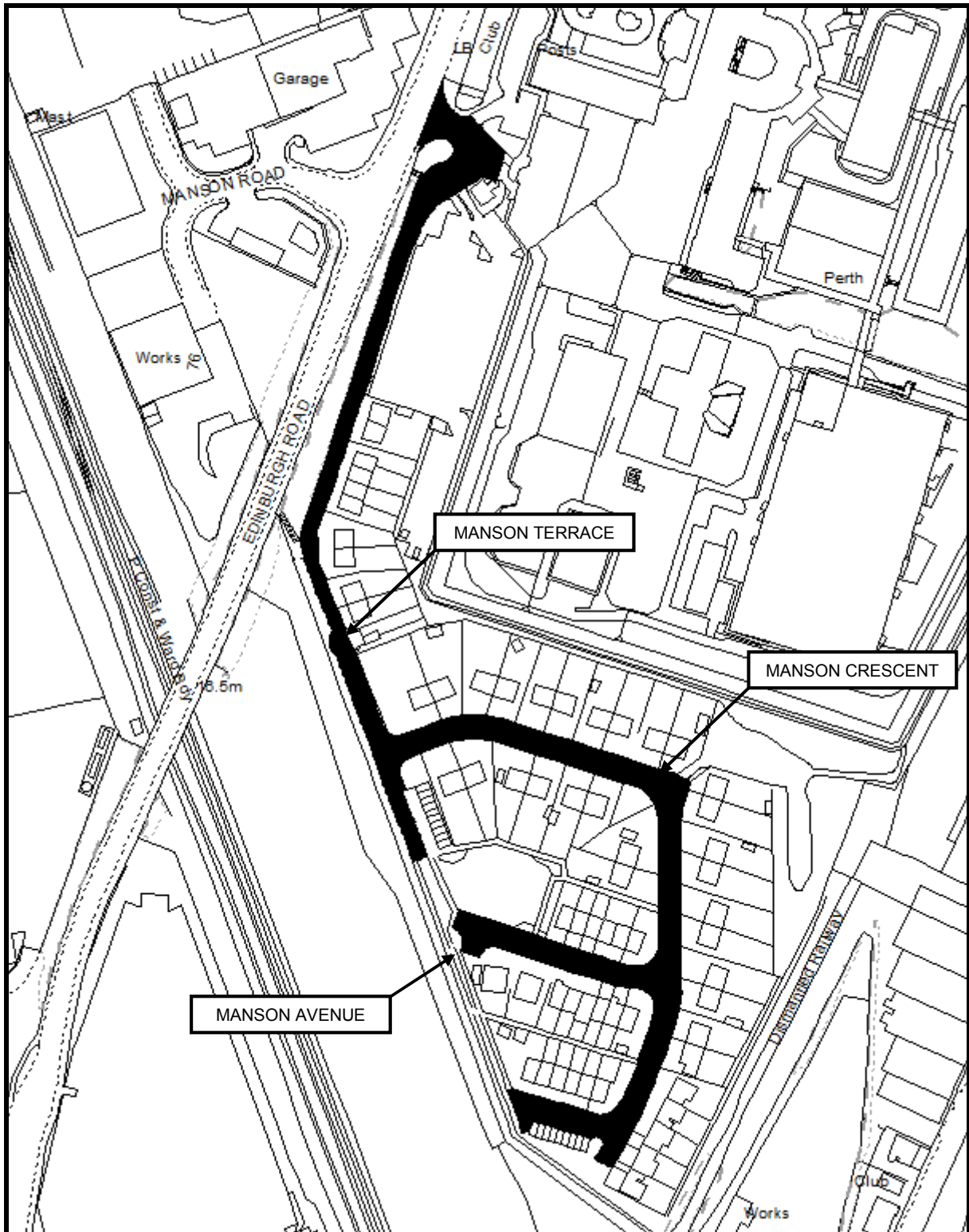
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Access Road leading to Gleneagles Station, Gleneagles



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Manson Avenue, Manson Crescent & Manson Terrace, Perth



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