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Council Building
2 High Street
Perth
PH1 5PH

25/10/2023

A hybrid meeting of the **Environment, Infrastructure and Economic Development Committee** will be held in **the Council Chamber** on **Wednesday, 01 November 2023** at **09:30**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

Depute Provost Andrew Parrott (Convener)
Baillie Mike Williamson (Vice-Convener)
Councillor Hugh Anderson
Baillie Alasdair Bailey
Councillor Steven Carr
Councillor John Duff
Councillor Angus Forbes
Councillor Ken Harvey
Councillor Noah Khogali
Baillie Claire McLaren
Councillor Willie Robertson
Councillor Frank Smith
Councillor Colin Stewart
Councillor Richard Watters
Councillor Jack Welch

Environment, Infrastructure and Economic Development Committee

Wednesday, 01 November 2023

AGENDA

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE OF 20 SEPTEMBER 2023 FOR APPROVAL** **5 - 6**
(copy herewith)
- 4 OUTSTANDING BUSINESS STATEMENT (OBS)** **7 - 8**
(copy herewith 23/287)
- 5 PERTH AND KINROSS LOCAL DEVELOPMENT PLAN (LDP3) DEVELOPMENT PLAN SCHEME** **9 - 34**
Report by Head of Planning and Development (copy herewith 23/288)
- 6 SHORT TERM LET NON-STATUTORY PLANNING GUIDANCE** **35 - 78**
Report by Head of Planning and Development (copy herewith 23/289)
- 7 AUCHTERARDER COMMUNITY FACILITIES FUND** **79 - 104**
Report by Head of Planning and Development (copy herewith 23/290)
- 8 POLICY AND LEVEL OF SERVICE FOR WINTER 2023/24** **105 - 128**
Report by Head of Environment and Consumer Services (copy herewith 23/291)
- 9 PERTH MUSEUM - KEY MILESTONES TO OPENING AND OPENING PROGRAMME** **129 - 136**
Report by Head of Culture and Communities Services (copy herewith 23/292)

10 PERTH AND KINROSS OUTDOOR ACCESS FORUM ANNUAL REPORT 2022-23

137 - 148

Report by Head of Environmental and Consumer Services (copy herewith 23/293)

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ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE

Minute of hybrid meeting of the Environment, Infrastructure and Economic Development Committee held in the Council Chambers on Wednesday 20 September 2023 at 9.30am.

Present: Bailies A Bailey and C McLaren; Councillors K Allan, B Brawn (substituting for Councillor N Khogali), S Carr, J Duff, A Forbes, K Harvey, I Massie (substituting for Bailie M Williamson), A Parrott, W Robertson, F Smith, C Stewart, R Watters and J Welch.

In Attendance: B Renton, Executive Director (Communities), M Butterworth, B Cargill, D McKeown, B Watt, L Sumner and B Wilson (for Item 7 only) (all Communities); A Taylor, S Hendry, R Ramsay and M Pasternak (all Corporate & Democratic Services).

Apologies for Absence: Councillor N Khogali and Bailie M Williamson.

Councillor A Parrott, Convener, Presiding.

1. WELCOME AND APOLOGIES

Councillor A Parrott welcomed everyone to the meeting. Apologies for absence and substitutions were noted as above.

2. DECLARATIONS OF INTEREST

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

3. MINUTE OF MEETING OF ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE OF 31 MAY 2023

The minute of the meeting of the Environment, Infrastructure and Economic Development Committee of 31 May 2023 was submitted and approved as a correct record.

4. OUTSTANDING BUSINESS STATEMENT

Resolved:

The Outstanding Business Statement was noted, and it was agreed to remove the completed actions.

5. ROAD SAFETY PROJECT ASSESSMENT CRITERIA

There was submitted a report by Head of Environmental and Consumer Services (23/257) advising of a proposal to revise the criteria for managing and prioritising potential road safety projects within the Council's Road Safety Database.

Resolved:

- (i) The proposed change to the Council's road safety projects assessment criteria, which would include the direct input of Community Councils, where they exist, and the introduction of an additional criteria as outlined in paragraph 4.8 of Report 23/257, be approved.
- (ii) The process for all proposals from individuals for new potential projects, as outlined in paragraph 4.10 of Report 23/257, be approved.

6. PROPOSED 30MPH SPEED LIMITS

There was submitted a report by Head of Environmental and Consumer Services (23/258) (1) seeking support to make a Traffic Regulation Order covering a 30mph speed limit in Kinloch; and (2) asking that the objection received against the proposed introduction of the speed limit be set aside.

Resolved:

- (i) The objection received, as detailed in Appendix 2 of Report 23/258, be set aside.
- (ii) The Order to introduce the new 30mph Speed Limit in Kinloch as advertised, be approved.

7. DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE UPDATES

There was submitted a report by Head of Planning and Development (23/259) (1) updating on the proposed changes to the adopted Developer Contributions and Affordable Housing Supplementary Guidance (DC&AH SG) 2020; (2) providing a summary of the responses received following the public consultation exercise; and (3) providing details of further changes that have been made to the DC&AH SG (2023) since it was last reported to Committee on 31 May 2023.

Resolved:

- (i) The responses gathered from the period of public consultation between 9 June 2023 to 4 August 2023 and any changes made to the draft Supplementary Guidance as a result of comments received, as detailed in Appendix 3 to Report 23/259, be noted:
- (ii) The Executive Director (Communities) finalise the Supplementary Guidance and submit this to Scottish Ministers for consideration.
- (iii) The Executive Director (Communities) issue the adopted Supplementary Guidance, following Ministerial consideration.

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**ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE**

**OUTSTANDING BUSINESS STATEMENT (OBS)**

(Report No. 23/287)

Please note that this statement sets out outstanding decisions of this committee along with an update and estimated completion date. Actions which are overdue are shaded for ease of reference. Where an update reflects that an action is complete then the Committee's agreement will be sought to its removal from the OBS.

| <b>No</b> | <b>Minute Reference</b>     | <b>Subject Title</b>                    | <b>Outstanding Action</b>                                                                                                                                                                                                 | <b>Update</b>                                                                                                                                                               | <b>Lead Officer /Service</b> | <b>Action Due / Complete</b> | <b>Action Expected</b> |
|-----------|-----------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|------------------------|
| 13.       | 20 September 2023<br>Item 5 | Road Safety Project Assessment Criteria | Provide clarity to Bailie Bailey and Members on the mitigations to the CTRLR traffic on the A924 and through the Sidlaw Hills in Ward 1 specifically in regard to the Planning Condition put on the Planning Application. | Comprehensive email providing full details sent to Bailie Bailey on 18 October 2023. Subsequently copied to all Committee Members for their information on 26 October 2023. | Brian Cargill                | <b>COMPLETE</b>              | 1 November 2023        |





## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

1 November 2023

#### PERTH AND KINROSS LOCAL DEVELOPMENT PLAN (LDP3) DEVELOPMENT PLAN SCHEME

Head of Planning & Development  
(Report No. 23/288)

#### 1. PURPOSE

- 1.1 This report seeks approval for the update of the statutory Development Plan Scheme (DPS) relating to the preparation of the next Perth and Kinross Local Development Plan (LDP3). The last update was approved by the Environment, Infrastructure and Economic Development Committee on 16 November 2022 (report 22/278 refers). It was agreed that an annual progress report be submitted to committee detailing any changes to the Development Plan Scheme.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- i) agrees the proposed Perth & Kinross Council Development Plan Scheme and authorises the Executive Director (Communities) to submit the Scheme to the Scottish Ministers;
  - (ii) remits the Head of Planning & Development to submit an annual progress report to the Environment, Infrastructure and Economic Development Committee detailing any changes to the Development Plan Scheme.

#### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

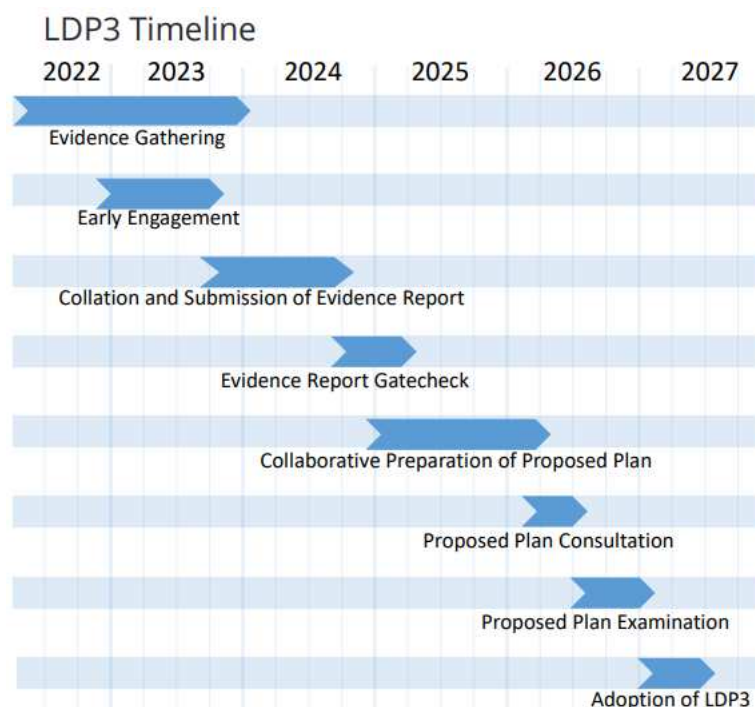
#### **4. BACKGROUND / MAIN ISSUES**

- 4.1 The Scottish Government is working to implement the significant changes the Planning (Scotland) Act 2019 made to the development planning system in Scotland. Those changes have been slower to come into effect due to the pandemic. This has delayed the publication of the National Planning Framework 4 (NPF4) and the secondary regulations needed to enact parts of the Planning Act. This, in turn, has had an impact on the LDP3 preparation timetable as explained further in paragraph 5.3.
- 4.2 NPF4 was adopted and published by the Scottish Government in February 2023. It now forms part of the statutory development plan and is used to determine planning applications. As NPF4 is the newer planning policy document, it takes precedence over the Local Development Plan (LDP) and has greater weight in the decision-making process. In the event of any incompatibility between a provision of NPF4 and a provision of a local development plan, whichever of them is the later in date is to prevail. NPF4 sets out requirements for LDPs and also includes policy wording. Future LDPs will have the opportunity to include policy wording which can focus on adding detail not provided by NPF4, or where national policy does not reflect local circumstances and local variation is therefore considered appropriate. Examples of local policy wording could include setting out expectations of future development in particular locations (linked to development briefs or masterplans), details of required developer contributions, or design policies that reflect the local context, materials and vernacular style. Work is ongoing to fully assess and understand what the implications of NPF4 are for LDP3.
- 4.3 The Development Planning Regulations came into force on 19 May 2023. The regulations support a new way of preparing LDPs that will result in new style plans that manage the use of land in the long term public interest. The LDP guidance which supports the regulations was also published in May 2023. The LDP guidance is a key document as it sets out how Local Authorities should undertake the process of preparing LDPs and what should be included in them.
- 4.4 The Play Sufficiency Assessment (PSA) Regulations also came into force on 19 May 2023. The regulations set out the provisions relating to the new duty contained in the Planning Act which requires planning authorities to assess the sufficiency of play opportunities for children in their area. The Scottish Government is still to publish PSA guidance to support the regulations, no date has been given. The PSA has to be completed in time for it to be included in the Evidence Report. The Regulations state what is required, and work is already underway in this respect. As such, it is not anticipated that any further delay to the PSA guidance will adversely affect preparation of the Local Development Plan.

## 5. PROPOSALS

### Development Plan Scheme (DPS)

- 5.1 The Planning Authority is required to prepare a Development Plan Scheme (DPS) which provides an outline for the preparation of the LDP, as well as detailing the Council’s commitment to consultation and engagement. The DPS is updated at least annually. It is part of the wider project management of the LDP3 preparation process, as it helps measure performance and informs people of progress.
- 5.2 The Development Plan Scheme in Appendix 1 sets out an update on progress towards LDP3. It details what has been achieved so far and what is programmed for the following years. It also includes a Participation Statement which sets out the “when, who, how and why” of consultation/engagement at each stage of the Plan preparation.
- 5.3 The previous report to this Committee advised that the timetable for preparing LDP3 was based on the assumption that the finalised regulations and guidance were to be received before the end of 2022. However, as noted above in paragraph 4.3, these were not received until May 2023. The DPS timetable has been updated to take account of the revised publication of NPF4 and secondary regulations and guidance for the LDP and PSA. As outlined above, these are key documents required to inform preparation of LDP3 and bring with them a significant number of new requirements for the development planning process. As a result, it is proposed to submit the Evidence Report for assessment (‘Gate Check’) 3 months later than the previous DPS stated. That is now proposed for September 2024, rather than June 2024 as previously outlined. Publication of the adopted LDP3 remains the same as previously stated at late 2027.



## **Progress to date**

- 5.4 As part of the evidence gathering work, a significant programme of engagement “The Big Place Conversation” was undertaken from January to August 2023. The engagement took a number of forms including drop in sessions, online engagement, surveys and a rolling programme of face-to-face sessions across localities using the Place Standard tool. A total of 118 events were held and 1500 people got involved including local communities, Community Councils and Partnerships, businesses, older people, school pupils, youth groups, care experienced young people, gypsy travellers, disabled and LGBTQ+ groups. A short video show casing this work has been submitted for consideration at the Scottish Planning Innovation Awards <https://youtu.be/iwGLKpNfPWM>.
- 5.5 Internal awareness raising was also undertaken, with colleagues from Community Planning & Policy and the Health and Social Care Partnership being involved in workshops on how to use the Place Standard tool to engage communities. The Big Place Conversation events were co-ordinated with other engagement activities, including the proposed Mobility Strategy, and the information gathered is being shared across Council services. It supports the Community Plan and the Corporate Plan and, in doing so, assists communities wishing to prepare their own Local Place Plans.
- 5.6 In addition to the Big Place Conversation, other areas of evidence gathering have been progressed to support the preparation of the Local Development Plan, including: housing needs and demands, retail space, employment land requirements, play sufficiency assessment and open space audit. Alongside this, the Strategic Environmental Assessment (SEA) Baseline Report has been finalised and the Scoping Report is currently being progressed.

## **6. CONCLUSION**

- 6.1 The Development Plan Scheme has been drafted to update the Committee on the preparation of the new Perth and Kinross Local Development Plan. It revises the proposed timetable previously proposed in 2022 and sets out a participation statement outlining the key stages of plan preparation and when engagement is planned to take place.

**Author**

| <b>Name</b>   | <b>Designation</b>                                                  | <b>Contact Details</b>                                                                               |
|---------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Brenda Murray | Development Plan<br>Team Leader<br>(Planning & Housing<br>Strategy) | (01738) 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>      | <b>Designation</b>                | <b>Date</b>     |
|------------------|-----------------------------------|-----------------|
| David Littlejohn | Head of Planning &<br>Development | 23 October 2023 |

**APPENDICES**

- Appendix 1 – Perth & Kinross Development Plan Scheme 2022

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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>No</b>         |
| External                                            | <b>No</b>         |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 The Development Plan Scheme contributes to the following Perth & 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 The Development Plan 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 None.

### Workforce

2.2 None.

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

2.3 None.

## **3. Assessments**

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council 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 Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. No impacts on equality were identified and so a full Equality Impact Assessment was not required.

### 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 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and in relation to the Local Development Plan, referred to in the Development Plan Scheme, further action is required.

3.5 Due to the nature of the plan there are likely to be significant environmental effects, as a consequence, an environmental assessment of the Local Development Plan is compulsory under the Act. The Local Development Plan is considered to be a 'qualifying' plan under the Act so it does not require screening.

3.6 The next stage is to prepare a scoping report as part of the Local Development plan process. This will determine the scope of the environmental assessment and will be submitted to the Consultation Authorities for comment.

## Sustainability

- 3.7 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.
- 3.8 The Development Plan Scheme was considered under the Council's Integrated Appraisal Toolkit. The Development Plan Scheme is a vehicle for establishing the LDP process and as such no impacts on sustainability will arise from the Programme itself.

## Legal and Governance

- 3.9 None.

## Risk

- 3.10 None.

## **4. Consultation**

### Internal

- 4.1 We have consulted with colleagues in Community Planning & Policy and the Housing and Social Care Partnership in the development of the proposals and they agree that using the Place Standard tool to engage with communities on a locality basis is appropriate.

### External

- 4.2 None.

## **5. Communication**

- 5.1 None.



## **2. BACKGROUND PAPERS**

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

- Perth & Kinross Council Local Development Plan 2
- [www.gov.scot/policies/planning-architecture/reforming-planning-system/](http://www.gov.scot/policies/planning-architecture/reforming-planning-system/)





# Perth and Kinross DEVELOPMENT PLAN SCHEME

Programme for Local Development Plan 3: November 2023





## Development Plan Scheme

The Development Plan Scheme is a statement setting out Perth & Kinross Council's timetable for the preparation of the next development plan. Under statutory guidance, all planning authorities are required to publish annually a Development Plan Scheme. The Development Plan Scheme will set out to include:

- *an explanation of what the Local Development Plan is;*
- *a timetable for the preparation of the next plan, Local Development Plan 3;*
- *community engagement in the planning process and how relevant stakeholders, including residents of Perth and Kinross, can get involved.*





## Local Development Plan

The Scottish Government requires every planning authority to prepare development plans for their area. The Development Plan is at the heart of the planning system setting out policies and proposals to guide the development, management and use of land. The Plan sets out a vision and a framework for future development; addressing needs and opportunities in relation to housing, economy, infrastructure, community facilities, safeguarding environmental and landscape assets, the emerging needs of climate change and achieving well designed places for the residents, communities and businesses of Perth and Kinross. To support the preparation of the next Local Development Plan, there are a range of other plans and strategies that interlink with the LDP.







## National Planning Framework 4 (NPF4)

National Planning Framework 4 was adopted in February 2023 and forms part of the Development Plan. It covers the period from its adoption to 2045 with 10 year reviews. It is a long-term strategy that plans for development and investment in infrastructure; and identifies national developments and other strategically important opportunities in Scotland. The NPF contains both spatial and thematic planning policies and sets out the national policy position for land use planning. It will be used to determine planning applications.

## The New Plan: LDP3

Alongside National Planning Framework 4, the Local Development Plan (LDP3) will be the main document which will influence future built development in Perth & Kinross. As NPF4 contains planning policy, new LDPs will be place-based documents with emphasis on maps, site briefs and masterplans, with minimal policy wording. The policies and proposals within the LDP are to be focused on places and locations, while National Planning Framework 4 will provide overarching thematic policies for decision making.

## LDP3 Process

The Planning (Scotland) Act 2019 has introduced a number of changes to the key steps for preparing a Local Development Plan. Preparation of a new-style LDP will include:

- Evidence gathering and early community and stakeholder engagement leading to an Evidence Report.
- Submission of the Evidence Report to Scottish Ministers for an independent Gate Check.
- Collaborative plan preparation, leading to publication of the Proposed Plan for consultation.
- Submission of the Proposed Plan to Scottish Ministers for an independent examination of outstanding issues.
- Adoption of the Local Development Plan

## Supporting assessments

There are several assessments that must be undertaken to support the preparation of a new Local Development Plan. They are an integral part of the plan-making process and should inform, and be informed by, the plan as it is being prepared. These include:

- *Strategic Environmental Assessment (SEA)*
- *Public Sector Equality Duty Assessment*
- *Fairer Scotland Duty Assessment*
- *Habitats Regulations Appraisal*



## The New Plan: LDP3

New Development Plan Regulations and Guidance were issued by the Scottish Government and came into force in May 2023. These support a change in approach to the preparation of LDPs and bring with them a significant number of new requirements for the development planning process. Publication of these was later than planned and has resulted in a change to the LDP3 timeline with the Evidence Report now programmed to be submitted for Gate Check in September 2024 rather than June 2024 as indicated in the previous Development Plan Scheme. The adoption date, whilst not exact, remains likely to be late 2027.

All planning authorities have five years from the regulations coming into force to replace their current Local Development Plan with a new style Local Development Plan. This means the Council must prepare and adopt LDP3 by no later than May 2028.

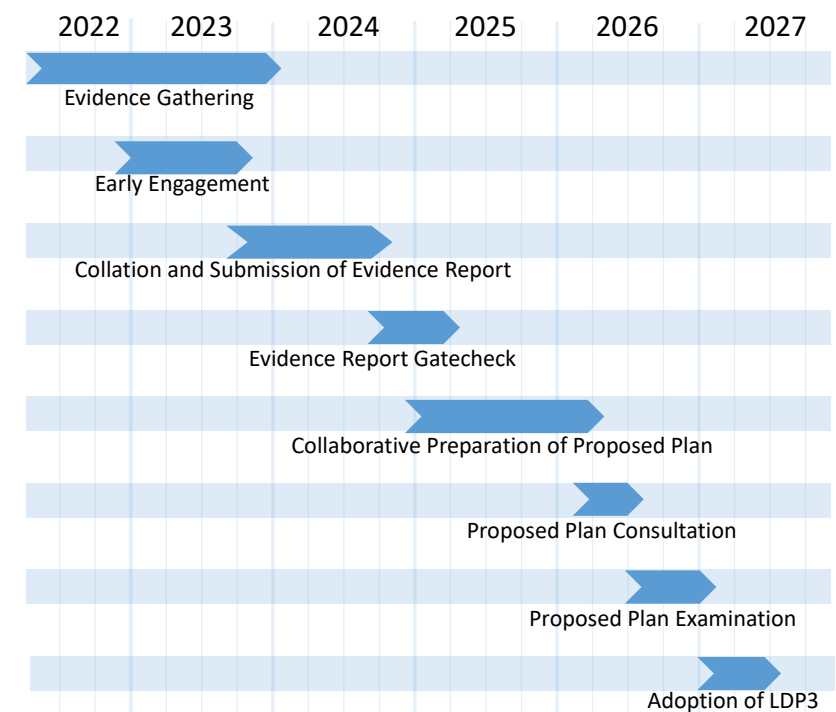
Development Plan Schemes must specify the numbered Quarter (Q) and the year in which the planning authority expects to publish certain elements of the Local Development Plan process. This applies to the following stages:

|                                          |                                   |
|------------------------------------------|-----------------------------------|
| Publish Evidence Report                  | Q2 2024 (July - September 2024)   |
| Publish Proposed Plan                    | Q4 2026 (January - March 2026)    |
| Send Proposed Plan to Scottish Ministers | Q2 2026 (July - September 2026)   |
| Adopt LDP3                               | Q3 2027 (October - December 2027) |

Note: for the above table, a Quarter refers to a three-month period of each financial year which runs from April to March.

- Quarter 1 is April to the end of June;
- Quarter 2 is July to the end of September;
- Quarter 3 is October to the end of December; and
- Quarter 4 is January to end of March.

### LDP3 Timeline



A detailed timeline outlining the Local Development Plan's key stages and the types of engagement to take place is provided in the Participation Statement.





## Participation Statement

The Planning (Scotland) Act 2019 places an increased emphasis on up-front engagement. This means that consultation needs to be comprehensive, co-ordinated and collaborative. The engagement programme outlined supports the Community Plan and the Corporate Plan and, in doing so, assists communities wishing to prepare their own Local Place Plans.

LDP3 will be a key tool alongside other strategies such as the Local Housing Strategy and Mobility Strategy for delivering places where everyone can live life well.

The Participation Statement sets out when engagement is to take place, with whom and the likely form it will take. The experience of preparing previous LDPs has helped us learn how to improve the way we include the public and reach a wide range of people.







## Consultation Commitment Statement

The LDP3 engagement and evidence building process will be:

|                      |                                                                                                                                                                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Relevant</b>      | Discussions will be relevant to each group or stakeholder, including both settlement development and policies and the methods that are used to carry out those discussions.                                                                                            |
| <b>Inclusive</b>     | To shape places that work for all we will proactively seek the views of all people, especially those with specific needs and those whose views are seldom heard; identify and overcome barriers to engagement and invest in the promotion of the benefits of engaging. |
| <b>Informed</b>      | Discussions will be informed by evidence already available including data gathering and prior consultations to ensure contributions have a greater impact and are more efficient                                                                                       |
| <b>Co-ordinated</b>  | A joined up approach with the rest of Council and Council strategies, will deliver greater efficiency, and help avoid consultation fatigue. Information fed back to other departments will also help deliver their priorities                                          |
| <b>Collaborative</b> | Co-designing consultation and supporting community partners to carry out their own engagement work will ensure the greatest reach and response working                                                                                                                 |
| <b>Transparent</b>   | Ongoing communication and feedback between the team and stakeholders, communities and partners will support better outcomes and promote acceptance of outcomes.                                                                                                        |
| <b>Accessible</b>    | Engagement events and materials for the general public must be accessible to all wherever possible, and tailored arrangements made where this is not possible.                                                                                                         |



## Participation Statement

### Who will be consulted?

When preparing the Local Development Plan, our approach to engagement and consultation will be based on a collaborative approach, including (but not exclusively) representatives of the following:

- **Community Development Trusts**
- **Communities of Interest**
- **Landowners and Developers**
- **Businesses and business groups**
- **Locality Partnerships**
- **Tertiary students**
- **Older people**
- **Communities wishing to prepare Local Place Plans**

### Key agencies:

- **NatureScot**
- **SEPA**
- **Scottish Water**
- **Scottish Enterprise**
- **TACTRAN**
- **NHS Tayside**
- **Historic Environment Scotland**
- **Scottish Forestry**
- **Transport Scotland**

### Community Planning Partners:

- **Jobcentre Plus**
- **NHS Tayside**
- **Perth & Kinross Association of Voluntary Services (PKAVS)**
- **Perth College**
- **Police Scotland**
- **Scottish Enterprise**
- **Scottish Fire & Rescue Service**
- **Skills Development Scotland**

Where not already specified, we will seek the views of representatives of the following particular groups of people:

- **children and young people**
- **disabled people**
- **Gypsies and Travellers**
- **Community Councils**





### When will they be consulted?

The following section provides a detailed timeline for LDP3, outlining the key stages of preparation and when engagement is planned to take place. It may be revised in future Development Plan Schemes subject to the release of updated Scottish Government Guidance and the timescales of stages outwith the control of Perth & Kinross Council.

## Prepare Evidence Report (commenced 2022 and ongoing through to early 2024)

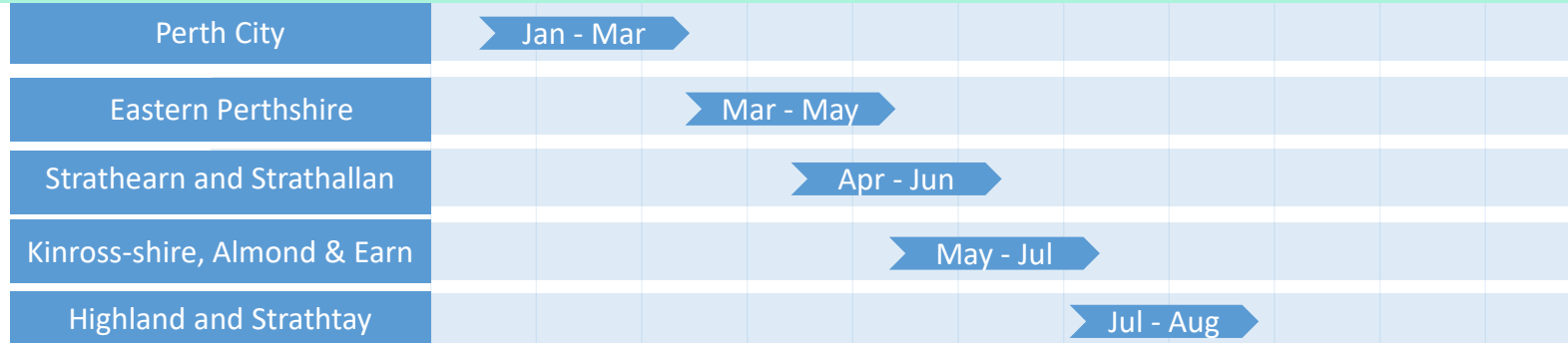
|                                                                                                                                                                                                                                                       |                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Identification of groups and stakeholders to be proactively engaged                                                                                                                                                                                   | Early 2022          |
| Discussion with community partners and community councils on best consultation methods                                                                                                                                                                | Early 2022          |
| Co-ordination with other PKC departments on delivery of engagement, including those that may not need targeting at this early stage due to recent or existing work                                                                                    | Mid 2022            |
| Co-ordination with other PKC departments, community councils and community development trusts to secure way forward for Local Place Plans                                                                                                             | Late 2022           |
| Launch of online area wide place feedback platform on consultation hub                                                                                                                                                                                | December 2022       |
| Publicity and media support for upcoming engagement activities and throughout                                                                                                                                                                         | January-August 2023 |
| Exploration of issues of importance with communities of place and community councils through Place Standard and settlement audits including tailored discussions reflecting both policies and place such as affordable housing or natural space needs | January-August 2023 |
| General opportunities for the public (including landowners and developers) for discussions on policy and place such as the online place standard or surveys on consultation hub                                                                       | January-August 2023 |
| Local Place Plan invitation                                                                                                                                                                                                                           | October 2023        |



## Prepare Evidence Report (continued)

|                                                                                                                                                            |                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Assisting Community Councils and community partners to support the delivery of inclusive engagement to support LDP work and feeding into Local Place Plans | January 2023-June 2024 |
| Targeted discussions online and in person around policy with specified communities of interest or with specific (land use) need                            | January-December 2023  |
| Sharing and co-ordination of information with other services and strategies including Perth People Place and Mobility Strategy                             | Late 2023              |
| Targeted discussions with communities of interest or need about the places they live to support the wider public consultation                              | January-December 2023  |

### The Big Place Conversation 2023



|                                                                                                                                                                                   |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Discussion with key agencies and PKC stakeholders on data gathered to date and future plans that may affect policies or place including capacity of education, health, water etc. | Late 2023-June 2024 |
| Evidence Report checked for compatibility with any Local Place Plans; and evidence shared with communities to inform LPPs                                                         | Late 2023-June 2024 |





## Collation and Submission of Evidence Report for Gate Check (late 2024)

|                                                                                                                              |                        |
|------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Collation of information and analysis of data and consultation exercises to inform identification of sites at the next stage | October 2023-June 2024 |
| Consultation on SEA Baseline Report                                                                                          | September 2024         |
| Collation, publication and submission of the Evidence Report                                                                 | September 2024         |



## Collaborative Preparation of Proposed Plan (late 2024 to early 2026)

|                                                                                                                                                                               |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Following gatecheck of the Evidence Report, should any additional consultation be required by the Reporter this will be carried out and the final Evidence Report resubmitted | Late 2024  |
| Policy options relevant to each group or stakeholder discussed to find a preferred way forward or options                                                                     | Late 2024  |
| Specific policy and place ideas, including those in Local Place Plans, explored with communities and discussed with developer and landowner groups and contacts               | Late 2024  |
| Place proposals analysed (draft SEA and HRA) and comments sought from specific groups previously engaged with, community councils and public at large on preferred options    | Early 2025 |
| Policy and site preferences discussed with key agencies and PKC stakeholders                                                                                                  | Early 2025 |
| All consultation and evidence analysed, outstanding issues resolved with stakeholders and incorporated into the Proposed Plan                                                 | Late 2025  |
| Proposed Plan drafted and submitted to Council                                                                                                                                | Early 2026 |





## Proposed Plan Consultation (early to mid 2026)

|                                                                           |                |
|---------------------------------------------------------------------------|----------------|
| Proposed Plan is published alongside HRA and SEA and general consultation | Early 2026     |
| Evidence Report updated to show how the evidence has shaped the Plan      | Early 2026     |
| Public events to publicise the Proposed Plan and invite comments          | Early-Mid 2026 |
| Evidence is shared with communities preparing Local Place Plans           | Early 2026     |







## Examination of Proposed Plan (late 2026)

|                                                                                                                   |                      |
|-------------------------------------------------------------------------------------------------------------------|----------------------|
| Prepare examination papers                                                                                        | Late 2026            |
| Proposed Plan with any modifications submitted to Scottish Ministers together with a summary of unresolved issues | Late 2026-early 2027 |

## Modify Proposed Plan (mid 2027)

|                                                                                |          |
|--------------------------------------------------------------------------------|----------|
| Make requisite modifications to Proposed Plan on receipt of examination report | Mid 2027 |
|--------------------------------------------------------------------------------|----------|

## Adopt Local Development Plan (mid-late 2027)

|                                          |           |
|------------------------------------------|-----------|
| Publish adopted Local Development Plan   | Mid 2027  |
| Publish post-adoption statement          | Late 2027 |
| Adopt and publish the Delivery Programme | Late 2027 |





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All Council Services can offer a telephone translation facility.

**For key updates on the preparation of LDP3 please email [developmentplan@pkc.gov.uk](mailto:developmentplan@pkc.gov.uk) and ask to be added onto our database.**



## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

1 November 2023

#### SHORT-TERM LET NON-STATUTORY PLANNING GUIDANCE

##### Report by Head of Planning and Development

(Report No. 23/289)

#### 1. PURPOSE

- 1.1 To seek approval of the finalised non-statutory planning guidance relating to the change of use of residential properties to short-term lets.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Committee:
- approves finalised non-statutory planning guidance on short-term lets (Appendix 2)
  - notes that a paper relating to the introduction of a short term let control area will be brought forward in early 2024.

#### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Consultation findings
- Section 6: Planning applications - update
- Section 7: Finalised guidance
- Section 8: Next steps
- Section 9: Conclusion
- Appendices

#### 4. BACKGROUND

- 4.1 In May 2023 (report no. 23/171 refers) the Committee was requested to approve public consultation on:
- the principle of a short-term let planning control area for Highland Perthshire and part of Eastern Perthshire; and
  - proposed non-statutory planning guidance for short-term lets.
- 4.2 A report on the principle of establishing a Short-Term Let Control Area will be presented to the Committee early in 2024. This timeframe will allow for the Short-Term Lets Evidence Paper (Report No. 23/171 Appendix 1 refers) to be updated following analysis of both consultation responses and licensing

applications received by the deadline of 1 October 2023 agreed by the Scottish Parliament. It is important that any potential planning policy change is well-evidenced, and the licensing scheme data provide a finer-grained analysis than the work to date on second home ownership and advertising on booking platforms.

- 4.3 Meantime, current planning regulations continue to apply. Planning permission is required where a change of use from residential occupation to short-term let is deemed to be a material change or, in the case of flats, where planning permission is always required. The introduction of the licensing scheme ([The Civic Government \(Scotland\) Act 1982 \(Licensing of Short-term Lets\) Order 2022 \(legislation.gov.uk\)](#)) has led to some confusion about the additional need for planning permission in some circumstances. Therefore, it is considered helpful to both applicants and planning officers to proceed to introduce Perth and Kinross specific guidance to assist with planning application assessment and determination.

## 5. CONSULTATION FINDINGS

- 5.1 The public consultation on the proposed non-statutory planning guidance ran from 2 June to 18 August 2023. It attracted 334 responses of which approximately two thirds came from residents and one third from those with a business interest. Several organisations also responded, and these are listed at Appendix 1.
- 5.2 Appendix 1 details the consultation responses. Summary findings for each of the scenarios consulted on are provided below.
- 5.3 1 – The proposal is for the extensive refurbishment of a long term empty residential property which will bring the building back into active use.**

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 53%       | 47%                                                      | 36%                    |
| Disagree / strongly disagree                         | 28%       | 32%                                                      | 50%                    |
| Neither agree nor disagree / don't know / no comment | 19%       | 21%                                                      | 14%                    |

**Table 1.** Breakdown of responses to criterion 1 respondent group  
 One of the key reasons for disagreeing was that the emphasis should be on reusing existing buildings for long term let or permanent homes instead of short-term lets.

**5.4 2 – The proposal relates to a residential property with four or more bedrooms as this stock is considered less significant in terms of housing needs assessments.**

| Response                                             | Residents | Business owners<br>(including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|-------------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 32%       | 33%                                                         | 50%                    |
| Disagree / strongly disagree                         | 39%       | 38%                                                         | 36%                    |
| Neither agree nor disagree / don't know / no comment | 29%       | 29%                                                         | 14%                    |

**Table 2.** Breakdown of responses to criterion 2 respondent group

The level of agreement on this criterion between residents and businesses were around the same. A key question raised by both sectors was why less emphasis should be placed on the retention of larger properties.

**5.5 3 – It can be demonstrated that the residential property has been operating as a short term let for more than 10 years and it therefore exempt from planning enforcement action.**

| Response                                             | Residents | Business owners<br>(including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|-------------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 38%       | 52%                                                         | 36%                    |
| Disagree / strongly disagree                         | 45%       | 40%                                                         | 36%                    |
| Neither agree nor disagree / don't know / no comment | 17%       | 8%                                                          | 28%                    |

**Table 3.** Breakdown of responses to criterion 3 respondent group

Many of the comments related to whether it should be a longer or shorter time period, however, a key point is that it duplicates planning law so does not need to be included in guidance. This is discussed further at paragraph 7.3 below.



**5.6 4 – It can be demonstrated that the proposal for the change of use to short term let is part of a diversification scheme to support an existing Perth & Kinross business within the same landholding.**

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 36%       | 41%                                                      | 43%                    |
| Disagree / strongly disagree                         | 28%       | 19%                                                      | 28.5%                  |
| Neither agree nor disagree / don't know / no comment | 36%       | 40%                                                      | 28.5%                  |

**Table 4.** Breakdown of responses to criterion 4 respondent group

A significant number of respondents did not comment or gave a neutral response. This is perhaps indicative of a need for more clarity on this criterion and this is discussed at paragraph 7.6 below. Approximately twice as many business respondents agreed with this criterion than disagreed. Resident respondents were more evenly split.

**5.7 5 – In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents.**

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 53%       | 27.5%                                                    | 43%                    |
| Disagree / strongly disagree                         | 23%       | 45%                                                      | 36%                    |
| Neither agree nor disagree / don't know / no comment | 24%       | 27.5%                                                    | 21%                    |

**Table 5.** Breakdown of responses to criterion 5 respondent group

This proposal has the biggest divide in opinion between residents and business owners. Over half of resident respondents agreed largely on the grounds that it would help protect amenity, safety, privacy and quality of life for permanent residents. By contrast, nearly half of business respondents disagreed with a key concern being that this discriminates against flat owners.

## Other matters

- 5.8 A significant number of additional comments were given with arguments for and against the need for control over short-term lets. These are set out in Appendix 1 and include comments for control such as: *“it is unfair that workers and locals are being priced out of the market by short-term lets”*. Comments against control include: *“restricting short-term lets will not increase the supply of affordable housing and that efforts to increase housing provision for local residents should not be at the expense of the tourism industry.”*

## 6. PLANNING APPLICATIONS - UPDATE

- 6.1 Report 23/171 (paragraph 6.11) set out the number of short-term let planning applications for change of use which had been received up to April 2023. Table 6 provides an updated position as of 2 October 2023.

| Wards with planning applications | Approved Applications | Refused Applications | Certificate of Lawfulness | Awaiting Decision |
|----------------------------------|-----------------------|----------------------|---------------------------|-------------------|
| Ward 2<br>Strathmore             | 0                     | 0                    | 0                         | 1                 |
| Ward 3<br>Blairgowrie            | 4                     | 0                    | 2                         | 2                 |
| Ward 4<br>Highland               | 7                     | 7                    | 2                         | 9                 |
| Ward 5<br>Strathtay              | 2                     | 1                    | 1                         | 4                 |
| Ward 6<br>Strathearn             | 6                     | 0                    | 1                         | 5                 |
| Ward 7<br>Strathallan            | 5                     | 0                    | 0                         | 2                 |
| Ward 8<br>Kinross-shire          | 3                     | 0                    | 0                         | 1                 |
| Ward 9<br>Almond & Earn          | 0                     | 0                    | 0                         | 1                 |
| Ward 10<br>Perth City South      | 1                     | 1                    | 0                         | 0                 |
| Ward 11<br>Perth City North      | 2                     | 0                    | 0                         | 0                 |
| Ward 12<br>Perth City Centre     | 11                    | 4                    | 1                         | 6                 |
| <b>TOTALS</b>                    | 41                    | 13                   | 7                         | 31                |

**Table 6:** Number of planning applications for change of use of a residential property to short-term let. April - October 2023

6.2 As of 2 October 2023, there has been one appeal against the refusal of planning permission which was dismissed by the Scottish Government Planning and Environmental Appeals Division (DPEA). 2 appeals have been made to the Local Review Body with the outcomes pending.

## **7. FINALISED GUIDANCE**

7.1 NPF4 became part of the statutory development plan on 13 Feb 2023 and makes specific mention of short-term lets in Policy 30 Tourism. There is no specific policy within the adopted Local Development Plan (LDP) relating to short-term lets. As such, the NPF4 policy will be used to assess the principle of such changes of use in planning applications until such time as the LDP is reviewed. To assist the determination of planning applications in the interim, it is considered that additional planning guidance is needed. Any such guidance can only be non-statutory. The full revision of the guidance can be found at Appendix 2.

7.2 No consensus emerged through the consultation on any part of the proposed planning guidance. This was to be expected given the varying interests involved in this issue. Two substantial changes have been made in finalising the guidance and these are set out below. In addition, further clarity or explanation has been provided where appropriate, but no completely new issues have been introduced.

7.3 Firstly, it was pointed out in consultation responses that it is not appropriate to include in the guidance that which is already enshrined in planning law. Therefore, the process by which short-term let owners can apply for a Certificate of Lawful Use or Development, where they have been operating continuously for more than 10 years, is now included as a statement of fact rather than as a means of assessing planning applications.

7.4 Secondly, the format of the guidance has been reworked to tie more directly the issues considered through the consultation with the policy framework in NPF4. The resulting changes are set out in paragraphs 7.5 and 7.6 below.

7.5 NPF4 Policy 30 e) criterion i) does not support a change of use to short-term let where the proposals will result in an unacceptable impact on local amenity or the character of a neighbourhood or area. The amended draft guidance includes shared access, property size and refurbishment as factors to be considered by planning officers. Specifically on shared access, a tiered approach is now proposed which seeks to recognise that the impact of properties being used for short-term let will differ depending on other existing uses within the area. For example, the impact of a short-term let off a shared access within a predominantly residential area will be potentially greater than for example in a town or city centre where there is a mix of other uses which could already impact significantly on residential amenity.



- 7.6 NPF4 Policy 30 e) criterion ii) does not support a change of use to short-term let where the proposals will result in the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. All short-term lets have the potential to provide benefits to the local economy through visitor spend and the provision of services e.g. cleaning, laundry, property maintenance etc. There is, however, a need to balance this in areas where short-term lets are resulting in an unsustainable loss of residential accommodation. To address concerns raised through the consultation, cross-reference is now made in the guidance to existing development plan policies on rural business to ensure that the impacts of any diversification proposals are fully assessed.

## **8. NEXT STEPS**

- 8.1 If the Committee is minded to approve the guidance, the finalised version will be published on the Local Development Plan – Supplementary Guidance web page. A further report on the principle and evidence for designating a Short-Term Let Control Area will be presented to the Committee early in 2024.

## **9. CONCLUSION**

- 9.1 Additional planning guidance is needed to assist in interpreting the national policy framework, as set out in NPF4, for a Perth & Kinross context. This non-statutory guidance will assist in the assessment of planning applications for the change of use to short-term let until superseded by specific policies and proposals in the next Local Development Plan.

## Authors

| Name              | Designation                                        | Contact Details                                                                                    |
|-------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Stephanie Durning | Planning and Policy Officer, Housing Strategy Team | 01738 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |
| Katrina Walker    | Planning Officer, Development Plans Team           |                                                                                                    |

## Approved

| Name           | Designation                      | Date            |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Executive Director (Communities) | 23 October 2023 |

## APPENDICES

- Appendix 1 – Summary of results of the consultation on consultative draft planning guidance
- Appendix 2 – Non-Statutory Planning Guidance on the Change of Use of a Residential Property to Short-term Let, Final version

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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>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>None</b>       |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>Yes</b>        |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 This report supports the priority within the Community Plan 2022-27by recognising the need to balance local economic growth with the impact short-term lets can have on the availability of affordable housing.

#### Corporate Plan

- 1.2 This report supports the objectives within the Corporate Plan 2022-2027by recognising the need to balance local economic growth with the impact short-term lets can have on the availability of affordable housing.

### 2. Resource Implications

#### Financial

- 2.1 N/A.

#### Workforce

- 2.2 N/A.

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

2.3 N/A.

## **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. 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

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

3.3 Proposals have been considered under the Act 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 planning guidance will be non-statutory and sit within the framework of the National Planning Framework 4 which has undergone full SEA.

### Sustainability

3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the 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.

The proposals have been against the Council's Principles for Sustainable Development through the Impact and Value Assessment process.

### Legal and Governance

3.5 N/A.

### Risk

3.6 N/A.

## **4. Consultation**

### Internal

4.1 Advice and views have been sought from colleagues in Development Management and the Economic Development Team in the preparation of this report.

### External

4.2 N/A.

## **5. Communication**

5.1 Consultation on the proposed planning guidance was open to the general public across the whole of Perth & Kinross via consultation hub.

## **2. BACKGROUND PAPERS**

2.1 The following documents were referred to or relied upon in preparing this report:

- National Planning Framework 4
- Perth & Kinross Local Development Plan 2



**SHORT-TERM LET DRAFT NON-STATUTORY GUIDANCE**  
**SUMMARY OF CONSULTATION RESPONSES**

Acronyms used in this appendix

|      |                                          |
|------|------------------------------------------|
| CLUD | Certificate of Lawful Use or Development |
| CPO  | Compulsory Purchase Orders               |
| HNA  | Housing Needs Assessment                 |
| LDP  | Perth & Kinross Local Development Plan   |
| PKC  | Perth & Kinross Council                  |
| P&K  | Perth & Kinross                          |
| NPF  | National Planning Framework              |
| STL  | Short-term let                           |

List of tables

|         |                                                                                                      |
|---------|------------------------------------------------------------------------------------------------------|
| Table 1 | – Breakdown of responses by respondent sector                                                        |
| Table 2 | – List of organisation / group respondents                                                           |
| Table 3 | – (for each criterion) Breakdown of responses by level of agreement of responses by respondent group |
| Table 4 | – (for each criterion) Summary of key points by respondent group and level of agreement              |
| Table 5 | – General comments on STL controls                                                                   |
| Table 6 | – Additional suggestions / comments                                                                  |
| Table 7 | – General comments on consultation / process                                                         |

Table 1

|                                   |     |      |
|-----------------------------------|-----|------|
| Resident                          | 224 | 67%  |
| Resident and business owner       | 46  | 29%  |
| Business owner                    | 49  |      |
| On behalf of organisation / group | 14  | 4%   |
| Not stated                        | 1   |      |
| TOTAL                             | 334 | 100% |

Table 2

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Aberfeldy Community Council</li> <li>• Aberfeldy Development Trust</li> <li>• Airbnb</li> <li>• Association of Scotland's Self-Caterers</li> <li>• Conservative Group on Perth and Kinross Council</li> <li>• Federation of Small Businesses</li> <li>• Glenlyon and Loch Tay Community Council</li> <li>• Glenshee &amp; Strathardle Tourist Association</li> <li>• Rannoch Community Trust</li> <li>• Ristol Consulting Ltd representing estates who provide STL accommodation in Highland Perthshire</li> <li>• Scottish Conservative Group on Perth and Kinross Council</li> <li>• West Carse Community Council</li> <li>• Response on behalf of 12 residents</li> <li>• Response on behalf of 30 residents</li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The responses set out in the tables below are grouped by the criteria set out in the draft planning guidance and by respondent sector i.e. resident, business owner (including those who are also residents), or organisation / group.



**1 – The proposal is for the extensive refurbishment of a long term empty residential property which will bring the building back into active use**

Table 3

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 53%       | 47%                                                      | 36%                    |
| Disagree / strongly disagree                         | 28%       | 32%                                                      | 50%                    |
| Neither agree nor disagree / don't know / no comment | 19%       | 21%                                                      | 14%                    |

Table 4

| Response                     | Respondent                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                         |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | Residents                                                                                                                                                                                                                                                                                                                                                                                                          | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                            | Organisations / groups                                                                                                                                                                  |
| Agree / strongly agree       | <ul style="list-style-type: none"> <li>• Agree with the principle of reusing empty buildings</li> <li>• Assists the local economy</li> <li>• Private owners should be left to do what they want with their building – not everyone wants to be a landlord for long-term lets</li> <li>• Improves the area</li> <li>• Provides additional accommodation so isn't directly affecting housing availability</li> </ul> | <ul style="list-style-type: none"> <li>• Agree with the principle of reusing empty buildings</li> <li>• Allows owners to recoup investment in a property / area</li> <li>• Equal to a new business start up</li> <li>• Helps create additional capacity</li> <li>• Improves amenity</li> <li>• Assists the local economy</li> </ul> | <ul style="list-style-type: none"> <li>• Agree with the principle of reusing empty buildings</li> <li>• Better refurbish an existing building than take a site for new build</li> </ul> |
| Disagree / strongly disagree | <ul style="list-style-type: none"> <li>• Community should be helped to buy such property instead</li> <li>• Council should refurbish for affordable housing or help fund individuals to renovate</li> </ul>                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Should be for long-term let or sale instead of STL</li> <li>• Could discourage estates and landowners handing such buildings over to communities or individual owners</li> </ul>                                                                                                           | <ul style="list-style-type: none"> <li>• Potential for negative impact on existing residents e.g. amenity</li> <li>• Should instead be sold or let for</li> </ul>                       |

| Response                                | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                              |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Organisations / groups                                                                                                                                                       |
|                                         | <ul style="list-style-type: none"> <li>• Owners of long-term empty properties should be obliged to sell to the Council or upgrade for long-term let</li> <li>• Priority should be for full time residential – sale or long-term let</li> <li>• Depends on need for housing vs need for STLs</li> <li>• Should only be allowed for a limit time before use is reassessed</li> <li>• Demand for STL means empty properties aren't affordable for locals</li> <li>• Risk owners will leave property empty so can use this criterion</li> <li>• Council should not interfere with private property</li> <li>• Should be no more changes of use of residential to STL</li> <li>• Real issue is lack of affordable housing</li> <li>• Criterion not relevant – some locations are not good for holidays</li> <li>• State of the property shouldn't matter</li> </ul> | <ul style="list-style-type: none"> <li>• Potential for negative impact on existing residents e.g. increased traffic</li> <li>• Young people should be incentivised to take on property instead</li> <li>• Expensive so will only be viable in prime tourism locations</li> <li>• Risk owners will leave property empty so can use this criterion</li> <li>• Not sufficient as a reason</li> <li>• Council should not interfere with private property</li> <li>• NPF includes policy on STLs so guidance not required</li> </ul> | <p>housing – unless it can be proven they're not needed</p> <ul style="list-style-type: none"> <li>• Too restrictive</li> <li>• Should instead target empty homes</li> </ul> |
| Neither agree nor disagree / don't know | <ul style="list-style-type: none"> <li>• Community groups / local families should be given opportunity buy such buildings first</li> <li>• Better to refurbish for long-term let or sale</li> <li>• Only where the property has failed to sell</li> <li>• Must depend on location and need</li> <li>• Should instead be on a case-by-case basis</li> <li>• Doesn't contribute to housing stock</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Depends on many other factors</li> <li>• Should instead home people on housing list</li> <li>• There should be no barriers to someone establishing a STL business unless there is over-provision in the area</li> </ul>                                                                                                                                                                                                                                                                |                                                                                                                                                                              |

| Response       | Respondent                                                                                                         |                                                                             |                        |
|----------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------|
|                | Residents                                                                                                          | Business owners (including those who are also residents)                    | Organisations / groups |
|                | <ul style="list-style-type: none"> <li>Should not preclude other types of property from also being STLs</li> </ul> |                                                                             |                        |
| Other comments | <ul style="list-style-type: none"> <li>Need to be clear on terms</li> </ul>                                        | <ul style="list-style-type: none"> <li>Need to be clear on terms</li> </ul> |                        |

### PKC Officer comments

A proportion of respondents in all respondent sectors agreed with the overall principle of reusing empty buildings but there was also agreement from respondents in all sectors that sale or long-term let of such properties should be prioritised over STLs.

Rather than this being a specific criterion it is proposed in the finalised guidance to instead tie this more closely to the policy framework set out in NPF4.

NPF Policy 30: Tourism, part e) criterion i) does not support a change of use to short-term let where the proposals will result in an unacceptable impact on local amenity or the character of a neighbourhood or area. It is therefore proposed to include refurbishment as a consideration to be taken into account under this NPF criterion as follows:

- Is the proposal for the extensive refurbishment of a long-term empty property which will improve the area by bringing the building back into active use?

**2 – The proposal relates to a residential property with four or more bedrooms as this stock is considered less significant in terms of housing needs assessments**

Table 3

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 32%       | 33%                                                      | 50%                    |
| Disagree / strongly disagree                         | 39%       | 38%                                                      | 36%                    |
| Neither agree nor disagree / don't know / no comment | 29%       | 29%                                                      | 14%                    |

Table 4

| Response               | Respondent                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                          |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | Residents                                                                                                                                                                                                                             | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Organisations / groups                                                                                                                                                                                                                                                                                                   |
| Agree / strongly agree | <ul style="list-style-type: none"> <li>• Demand is generally for smaller properties</li> <li>• This size of property unlikely to be classed as affordable</li> <li>• 4+ bedroom properties less sought after in some areas</li> </ul> | <ul style="list-style-type: none"> <li>• Private owners are not responsible for the shortage of long-term let properties</li> <li>• This size of property unlikely to be classed as affordable or suitable for first time buyers</li> <li>• Majority of STL market is not taking rental property from first time buyers / renters</li> <li>• Need for this size is different to the need for affordable housing</li> <li>• STLs this size usually party houses which cause disturbance to neighbours</li> <li>• Smaller properties more desirable for permanent housing so should be restricted for STL</li> <li>• Larger properties are harder to let</li> </ul> | <ul style="list-style-type: none"> <li>• There is already a shortage of smaller properties in Perth and this will get worse without control of STLs</li> <li>• This size of property likely to be too big for most local needs</li> <li>• Number of bedrooms not necessarily related to value of the property</li> </ul> |

| Response                                | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Organisations / groups                                                                                                                                                                                                                                                                                                                                                                                          |
| Disagree / strongly disagree            | <ul style="list-style-type: none"> <li>• Need larger houses for families and people homeworking</li> <li>• Should be no limit on size – need for all size of property for homes</li> <li>• Need may be less significant but larger properties are more scarce</li> <li>• Larger properties could be subdivided for long-term let</li> <li>• Should be for sale or long-term let instead of STL</li> <li>• Less attractive as a STL</li> <li>• Unfair to smaller STL operators</li> <li>• It is the larger houses which cause most difficulties for residents</li> <li>• Should be decided on case-by-case basis</li> <li>• Arbitrary threshold</li> <li>• Large STLs contribute to the local economy</li> <li>• Should be trying to attract large families to rural locations to rejuvenate communities</li> </ul> | <ul style="list-style-type: none"> <li>• Arbitrary and generalised assumption – doesn't take into account varying occupancy needs e.g. homeworking, assisted living</li> <li>• Should be decided on case-by-case basis</li> <li>• Larger houses would enable families to stay in the area they work</li> <li>• Will keep the price of these properties high</li> <li>• Unfair to smaller STL operators</li> <li>• Any property size may be required for different sized families</li> <li>• All options for affordable housing should be considered first</li> <li>• Will encourage 'party houses' – should instead restrict properties by description e.g. flats, shared access etc.</li> <li>• Much of the demand is for smaller STLs</li> <li>• NPF includes policy on STLs so guidance not required</li> </ul> | <ul style="list-style-type: none"> <li>• Larger properties should be subdivided for long-term let</li> <li>• Larger STL properties should only be allowed in rural areas as they can have an adverse impact on amenity in urban areas</li> <li>• Should instead be sold or let for housing unless it can be proven they're not needed</li> <li>• Guidance should be limited to planning matters only</li> </ul> |
| Neither agree nor disagree / don't know | <ul style="list-style-type: none"> <li>• Should be decided on case-by-case basis</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Should be decided on case-by-case basis</li> <li>• Larger properties could be subdivided</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                 |



| Response | Respondent                                                                                                                                                                                                     |                                                                                                                                                                                                                                                           |                        |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|          | Residents                                                                                                                                                                                                      | Business owners (including those who are also residents)                                                                                                                                                                                                  | Organisations / groups |
|          | <ul style="list-style-type: none"> <li>Households may need to upsize as they grow</li> <li>Acceptable where this size does not match housing demands</li> <li>Larger properties could be subdivided</li> </ul> | <ul style="list-style-type: none"> <li>Assumes less market for family sized housing but real issue is lack of childcare</li> <li>There should be no barriers to someone establishing a STL business unless there is over-provision in the area</li> </ul> |                        |

### PKC Officer comments

Similar issues were raised by respondents in the different respondent sectors both by those who agreed and who disagreed. Many respondents questioned why there was deemed to be less of a need for larger properties and that this could negatively impact on families in particular.

Whilst Local HNAs showed less of a need for the largest properties it is proposed that, rather than this being a specific criterion in the finalised guidance, the issue of property size will instead be tied more closely to the policy framework set out in NPF4.

NPF Policy 30: Tourism, part e) criterion i) does not support a change of use to short-term let where the proposals will result in an unacceptable impact on local amenity or the character of a neighbourhood or area. Respondents in all sectors raised the concern of larger properties becoming 'party houses' for groups or multiple families which increases the risk of disruption for residents. It is therefore proposed to include property size as a consideration to be taken into account under this NPF criterion as follows:

- Does the proposal relate to a residential property with four or more bedrooms, and can it be demonstrated that there will be no adverse impact on local amenity from noise or disturbance if the let is occupied by a group or more than one family?

**3 – It can be demonstrated that the residential property has been operating as a short-term let for more than 10 years and is therefore exempt from planning enforcement action**

Table 3

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 38%       | 52%                                                      | 36%                    |
| Disagree / strongly disagree                         | 45%       | 40%                                                      | 36%                    |
| Neither agree nor disagree / don't know / no comment | 17%       | 8%                                                       | 28%                    |

Table 4

| Response                     | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                        |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
|                              | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                | Organisations / groups                                                                 |
| Agree / strongly agree       | <ul style="list-style-type: none"> <li>In line with existing planning law</li> <li>Protects existing long-established businesses</li> <li>If STL has been operating for 10+ years then there can be few issues</li> <li>Providing property doesn't change ownership</li> <li>Providing there has been no history of complaints</li> <li>If STL has been operating for 10+ years then it cannot reasonably have contributed to housing shortfalls identified more recently</li> </ul> | <ul style="list-style-type: none"> <li>In line with existing planning law</li> <li>Protects existing long-established businesses</li> <li>Housing need wasn't as bad over 10 years ago</li> <li>long established STLs are not the problem rather the growth in second homes, retirees and people moving in from cities who can now home work</li> <li>Unreasonable to stop a business which has been operating for 10+ years</li> </ul> | <ul style="list-style-type: none"> <li>In line with existing planning law</li> </ul>   |
| Disagree / strongly disagree | <ul style="list-style-type: none"> <li>Will take more houses out of the system</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Should be a shorter timeframe e.g. 5 years more realistic for existing</li> </ul>                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Shouldn't be applied retrospectively</li> </ul> |

| Response | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Organisations / groups                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|          | <ul style="list-style-type: none"> <li>• All existing businesses should have to apply for planning permission (perhaps with a grace period)</li> <li>• All STLs should be treated equally</li> <li>• Just because it is been a STL doesn't mean it can't be a home</li> <li>• Should depend on individual circumstances – properties should be looked at on their merits</li> <li>• Too long a timeframe</li> <li>• STLs are often smaller properties which would suit first time buyer or downsizers which would free up larger properties</li> <li>• Priority should be to enable a better supply of affordable houses for sale or long-term let</li> <li>• Will negatively impact on rural homeowners looking to create an income</li> <li>• There should be no exemptions</li> <li>• Arbitrary time limit</li> <li>• Operating a STL for 10 years shouldn't make it lawful</li> <li>• Existing STLs should be justified against other criteria e.g need, location, size</li> <li>• Number of STLs needs to be reduced</li> <li>• Doesn't allow for small businesses to start up</li> </ul> | <p>business which has invested in early start up and growth</p> <ul style="list-style-type: none"> <li>• Should be a shorter timeframe</li> <li>• The problem of lack of housing has been going on for years and operators should not be exempt when they have contributed to the problem</li> <li>• Arbitrary time limit</li> <li>• Some STLs operating for &lt;10 years may be more desirable as STLs</li> <li>• Should be a shorter timeframe to impact on less existing operators</li> <li>• What happens if there have been breaks in the STL?</li> <li>• Operating a STL for 10 years shouldn't make it lawful</li> <li>• Should be assessed on a case-by-case basis</li> <li>• Should use more intelligent parameters e.g. no. nights booked / available p/a</li> <li>• All operators should be treated the same</li> <li>• Shouldn't be included as it's planning law</li> <li>• Distinction is discrimination as tenants duration can change between short and long term let depending on their circumstances</li> </ul> | <ul style="list-style-type: none"> <li>• There are already too many STLs affecting availability of housing</li> <li>• Existing residents having to live with noise from STLs</li> <li>• STLs in towns should not be allowed</li> <li>• STLs taking up houses which could be given to a household in need</li> <li>• STLs in operation 20+ years should be allowed</li> <li>• All properties should be sold or let for housing unless it can be proven they're not needed</li> </ul> |

| Response                                | Respondent                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                 |                        |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                                         | Residents                                                                                                                                                                                                                                                                                                                                                             | Business owners (including those who are also residents)                                                                                                        | Organisations / groups |
| Neither agree nor disagree / don't know | <ul style="list-style-type: none"> <li>Probably sensible to stop further de-population</li> <li>Depends on the suitability of the property</li> <li>Better to encourage owners to rent their properties for long-term let</li> <li>Should not preclude other type of property being suitable for STL</li> <li>Unfair – all STLs should be treated the same</li> </ul> | <ul style="list-style-type: none"> <li>There should be no barriers to someone establishing a STL business unless there is over-provision in the area</li> </ul> |                        |

#### PKC Officer comments

Many of the comments related to whether it should be a longer or shorter time period. The 10-year period was chosen as after this point owners can apply for a CLUD which exempts them from enforcement action. The key point raised in the consultation, however, was that it is not appropriate to include in the guidance that which is already enshrined in planning law, in this case, through the CLUD process. The process by which short-term let owners can apply for a CLUD where they have been operating continuously for more than 10 years is now included as a statement of fact in the guidance rather than as a specific criterion for assessing planning applications.

**4 – It can be demonstrated that the proposal for the change of use to short term let is part of a diversification scheme to support an existing Perth and Kinross business within the same landholding**

Table 3

| Response                                             | Residents | Business owners (including those who are also residents) | Organisations / groups |
|------------------------------------------------------|-----------|----------------------------------------------------------|------------------------|
| Agree / strongly agree                               | 36%       | 41%                                                      | 43%                    |
| Disagree / strongly disagree                         | 28%       | 19%                                                      | 28.5%                  |
| Neither agree nor disagree / don't know / no comment | 36%       | 40%                                                      | 28.5%                  |

Table 4

| Response                     | Respondent                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | Residents                                                                                                                                                                                                                                                                                                   | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Organisations / groups                                                                                                                                         |
| Agree / strongly agree       | <ul style="list-style-type: none"> <li>• Will increase employment</li> <li>• Might help empty buildings to be utilised</li> <li>• Provides a necessary income stream</li> <li>• Diversification, especially in farming, should be supported</li> <li>• As long as it supports affordable housing</li> </ul> | <ul style="list-style-type: none"> <li>• Good for existing or new businesses to be able to stay and bring more people into the area whilst providing a service and supporting other local services / could provide staff accommodation</li> <li>• Diversification, especially in farming, should be supported – allows flexibility</li> <li>• Businesses should be able to expand to meet demand – growth fundamental to a thriving community</li> <li>• Reasonable providing the business supports local suppliers and net zero</li> </ul> | <ul style="list-style-type: none"> <li>• Essential part of Scottish agritourism</li> <li>• Provide support to other businesses e.g. local suppliers</li> </ul> |
| Disagree / strongly disagree | <ul style="list-style-type: none"> <li>• Risk this could be abused</li> <li>• Preferential treatment for landowners – everyone should be treated the same</li> <li>• Housing should always come first</li> </ul>                                                                                            | <ul style="list-style-type: none"> <li>• Not if the property is already long-term occupied</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Could have detrimental impact on landscape</li> <li>• All properties should be sold or let for housing</li> </ul>     |



| Response                                | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                  |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                           | Organisations / groups                                                                                                                                                                           |
|                                         | <ul style="list-style-type: none"> <li>• Diversification is long-term so properties should be for long-term let</li> <li>• No need to keep allowing diversification for STL</li> <li>• Risk this could allow rural properties to become unavailable for long-term let resulting in homelessness for an existing long-term tenant – many estates renting previously tenanted properties as STLs</li> <li>• Priority should be for long-term lets</li> <li>• Should have to evidence why STL</li> <li>• Diversification not a sufficient reason – wider implications of a change of use must be considered</li> <li>• More thought should be given to the landscape capacity and environmental impact of more development</li> <li>• Favours existing businesses over new entrants</li> <li>• Council should CPO such properties for affordable housing</li> <li>• Too much emphasis on tourism – what about supporting other small businesses</li> <li>• Must reduce STLs as quickly as possible</li> </ul> | <ul style="list-style-type: none"> <li>• Preferential treatment and limits competition – all businesses should be treated the same</li> <li>• Only where there is evidence the property is not suitable for affordable housing</li> <li>• Should be expanded to where the STL is within the curtilage of the owners home</li> <li>• Should be up to the owner to decide</li> <li>• NPF includes policy on STLs so guidance not required</li> </ul> | <p>unless it can be proven they're not needed</p> <ul style="list-style-type: none"> <li>• Diversification should be supported but Council should not discriminate against one sector</li> </ul> |
| Neither agree nor disagree / don't know | <ul style="list-style-type: none"> <li>• Should only apply to existing properties not new build</li> <li>• Should be on a case-by-case basis</li> <li>• Should be for worker accommodation not holidays</li> <li>• Diversification shouldn't reduce housing stock for permanent residents</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Risk it will be used as a loophole</li> <li>• Could help renovation of old buildings</li> <li>• There should be no barriers to someone establishing a STL business unless there is over-provision in the area</li> <li>• Not for the Council to decide what is a valid business proposal</li> </ul>                                                                                                       | <ul style="list-style-type: none"> <li>• Should only be in rural areas, not within the towns</li> </ul>                                                                                          |

| Response | Respondent                                                                                                                                                                                                                                                                                                                               |                                                          |                        |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------|
|          | Residents                                                                                                                                                                                                                                                                                                                                | Business owners (including those who are also residents) | Organisations / groups |
|          | <ul style="list-style-type: none"> <li>• Acceptable if new build in addition to existing permanent home</li> <li>• Businesses should be encouraged to provide accommodation for employees too</li> <li>• Should not preclude other types of property for STL</li> <li>• Some diversification schemes never get off the ground</li> </ul> |                                                          |                        |

#### PKC Officer comments

A significant number of respondents did not comment or gave a neutral response. This is perhaps indicative of a need for more clarity on this criterion. Rather than this being a specific criterion it is therefore proposed in the finalised guidance to instead tie this more closely to the policy framework set out in NPF4.

NPF Policy 30 e) criterion ii) does not support a change of use to short-term let where the proposals will result in the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits. All short-term lets have the potential to provide benefits to the local economy through visitor spend and the provision of services e.g. cleaning, laundry, property maintenance etc. There is, however, a need to balance this in areas where short-term lets are resulting in an unsustainable loss of residential accommodation. It is therefore proposed to include cross-reference to existing LDP2 policies on rural business as a consideration to be taken into account under this NPF criterion to ensure that the impacts of any diversification proposals are fully assessed:

- Can it be demonstrated that the proposal for the change of use to short-term let is part of a diversification scheme to support an existing Perth & Kinross rural business in line with NPF4 Policy 29: Rural Development and Local Development Plan policy 8: Rural Business and Diversification?

**5 – In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents**

Table 3

| <b>Response</b>                                      | <b>Residents</b> | <b>Business owners (including those who are also residents)</b> | <b>Organisations / groups</b> |
|------------------------------------------------------|------------------|-----------------------------------------------------------------|-------------------------------|
| Agree / strongly agree                               | 53%              | 27.5%                                                           | 43%                           |
| Disagree / strongly disagree                         | 23%              | 45%                                                             | 36%                           |
| Neither agree nor disagree / don't know / no comment | 24%              | 27.5%                                                           | 21%                           |

Table 4

| <b>Response</b>        | <b>Respondent</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                       |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | <b>Residents</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Business owners (including those who are also residents)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Organisations / groups</b>                                                                                                                                                                                                                                                                                                         |
| Agree / strongly agree | <ul style="list-style-type: none"> <li>• Security issue with STLs in shared access blocks / using communal spaces – residents shouldn't have to share these with strangers</li> <li>• Would help prevent anti-social behaviour, disruption and potential conflict with existing residents</li> <li>• Fair to existing residents – quality of life, physical and mental wellbeing, privacy of residents should come first</li> <li>• Shouldn't be allowed STL where this impacts on neighbours</li> <li>• Impacts on sense of community – visitors have no vested interest in the area</li> </ul> | <ul style="list-style-type: none"> <li>• Security issue with STLs in shared access blocks / using communal spaces especially for families with children</li> <li>• Adverse impacts have to be balanced against need to provide tourist accommodation</li> <li>• Could mean less impact on residents but would depend on layout and use of neighbouring properties</li> <li>• Would help protect existing residents e.g. with medical ailments</li> <li>• Adverse impacts on amenity – noise disturbance, litter etc unfair on residents</li> </ul> | <ul style="list-style-type: none"> <li>• Existing residents have to put up with disturbance and noise from STLs – often no noise insulation</li> <li>• Security issue with STLs in shared access blocks</li> <li>• Loss of amenity for existing residents</li> <li>• Each application should be assessed on its own merits</li> </ul> |

| Response                     | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                              | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Organisations / groups                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                              | <ul style="list-style-type: none"> <li>• Some STL occupiers inconsiderate to existing residents with little control by landlords</li> <li>• Flatted properties should not be STLs</li> <li>• Remoteness of landlord an issue</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Disagree / strongly disagree | <ul style="list-style-type: none"> <li>• Depends on the property – proper enforcement on anti-social behaviour laws would solve the problem</li> <li>• Existing residents should have a say in the decision-making</li> <li>• No difference to number of times going in and out between STL guest and permanent residents</li> <li>• Noise not just an issue at the door</li> <li>• Parking is a problem too</li> <li>• Each application should be assessed on its own merits – semi-detached and detached properties that are built very close together could also adversely impact on amenity for residents</li> <li>• Practicalities of some existing buildings would make this impossible</li> <li>• Would mean STL operators would move to buying properties with their own door impacting on availability of those properties</li> <li>• Most anti-social behaviour comes from local residents not tourists</li> <li>• Maybe important for city tenements but not rural areas</li> </ul> | <ul style="list-style-type: none"> <li>• Discriminates against flat owners</li> <li>• Each application should be assessed on its own merits – unfair to treat well run STLs in same way as those which are poorly run</li> <li>• Too prescriptive</li> <li>• Presumptuous to assume all tourists are trouble-makers – this is not the correct way to control anti-social behaviour</li> <li>• Often STLs are used by contractors and working people and they shouldn't be limited to properties with their own door</li> <li>• Residents no more likely to be disturbed by STLs than occupants with short assured tenancies or existing residents – responsible STL owners should have house rules</li> <li>• Not in business interest to allow unruly behaviour – majority of guests do not impact on neighbouring residents and many businesses work hard to ensure this is the case</li> </ul> | <ul style="list-style-type: none"> <li>• Each application should be assessed on its own merits – other legislation coupled with the licencing scheme will enable Council to deal with anti-social behaviour</li> <li>• No published evidence or justification for this criterion</li> <li>• Unfair assumptions being made about those who use STLs</li> <li>• Concerns licencing and not planning policy and should therefore be removed from guidance</li> </ul> |

| Response | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                        |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|          | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Organisations / groups |
|          | <ul style="list-style-type: none"> <li>• Mandating noise management measures better way of avoiding adverse STL neighbour impacts</li> <li>• Unnecessary and unfair</li> <li>• Residents no more likely to be disturbed by STLs than long-term tenants</li> <li>• Ruled unlawful elsewhere</li> <li>• Preference is for self-contained properties which will nearly all be in rural areas so criterion is pointless</li> <li>• Would adversely impact on Perth city centre – needs people and life in it</li> <li>• Criterion inhibits the more affordable and sought-after STL properties which could damage tourism and impact on local business</li> <li>• Highland Perthshire cannot afford to lose tourism income</li> </ul> | <ul style="list-style-type: none"> <li>• Anti-social behaviour could be controlled with extra licence conditions</li> <li>• Smaller STLs unlikely to cause issues e.g. hen / stag parties</li> <li>• Limiting STLs in this way will adversely impact Perth centre</li> <li>• Relevant for Edinburgh but not Highland Perthshire</li> <li>• Too many different types of accommodation and this criterion does not necessarily address neighbours concerns</li> <li>• Will have a negative impact on Perth city centre where some properties are attractive for STL but not to residents</li> <li>• Criterion may be unlawful</li> <li>• STLs operators undertake to be responsible and neighbourly as part of the licencing process</li> <li>• Communal spaces require to be shared</li> <li>• If STL hosts can demonstrate effective practices and management they will benefit the local economy</li> <li>• STLs have less impact than long-term lets as they are only there a short time</li> <li>• Impossible to enforce depending on architecture of property</li> </ul> |                        |



| Response                                | Respondent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                   |                        |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|                                         | Residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Business owners (including those who are also residents)                                                                                                                                                                                                                                                                                                          | Organisations / groups |
| Neither agree nor disagree / don't know | <ul style="list-style-type: none"> <li>• Most holiday properties have their own front door</li> <li>• Fine if whole block is STL but could be friction if there is a mix</li> <li>• Residents can be bad neighbours too</li> <li>• May be more efficient to fine owners if regular unruly behaviour</li> <li>• Depends on how well the house / flat is designed</li> <li>• May be exceptions to consider individual cases</li> <li>• Appear to exclude shared stairs?</li> <li>• Would depend on individual circumstances – shouldn't be a blanket rule</li> <li>• Problems in Edinburgh do not exist in other areas</li> <li>• Not important</li> </ul> | <ul style="list-style-type: none"> <li>• Each application should be assessed on its own merits depending on circumstances and location – buildings need to be better managed</li> <li>• Should not apply to flats let out to students during term time</li> <li>• Should be a strike system in place so disturbances can affect whether STL is allowed</li> </ul> |                        |
| Other comments                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>• "Door" is confusing – should be access?</li> </ul>                                                                                                                                                                                                                                                                       |                        |

### PKC Officer comments

This proposal has the biggest divide in opinion between residents and business owners in terms of percentage split although the issues raised, both in agreement and disagreement, are similar across the sectors. Respondents in all sectors recommended that each application should instead be treated on its own merits.

Rather than this being a specific criterion it is proposed in the finalised guidance to instead tie this more closely to the policy framework set out in NPF4.

NPF Policy 30: Tourism, part e) criterion i) does not support a change of use to short-term let where the proposals will result in an unacceptable impact on local amenity or the character of a neighbourhood or area. It is therefore proposed to include shared access as a consideration to be taken into account under this NPF criterion.

A tiered approach is now proposed which seeks to recognise that the impact of properties being used as short-term lets will differ depending on the existing uses within the area. For example, the impact of a short-term let off a shared access within a predominantly residential area will potentially be greater than in a town / city centre or other area where there is a mix of other uses which could already impact significantly on residential amenity. The following consideration is therefore proposed under this NPF criterion:

- Where is the proposal located? Is it:
  - Within the city centre or a town centre (as identified in the LDP2) where there is no adverse impact on amenity or character of the area?
  - Within a settlement boundary (as identified in the LDP2) and located in an area where there is a mix of other uses which could already affect residential amenity?
  - Within a predominantly residential area and there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry?

## General comments on STL controls

The open question drew a lot of comments, some relating specifically to support or otherwise for additional controls through a STL Control Area, but others relating more generally to the overall need to manage STL numbers in Perth & Kinross irrespective of any control area.

Table 5

| STLs in P&K should be managed / controlled / restricted / reduced because:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | STLs in P&K should <u>not</u> be managed / controlled / restricted / reduced because:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Workers and locals (especially young people starting out and families) are priced out of the area with prices pushed up by people purchasing to STL</li> <li>• Unfair that local people – especially adult children – are having to move away from their communities in order to live, controlling STL numbers would make it fairer</li> <li>• Increased travel from people having to live further away from where they work because they can't access housing has an environmental impact</li> <li>• Without locals and homes for workers, there isn't enough staff to service the tourist industry or carry out essential tasks / services e.g. care services which will ultimately increase costs to the Council, or allow businesses to expand, alternatively they have to pay higher wages for workers to travel</li> <li>• An excess of STLs adversely affects keeping a sense of community / fragments the community for those surrounded by STLs</li> <li>• Tourism is important but shouldn't be at the expense of those of live, work and contribute to the local economy all year round and the longer-term sustainability of communities</li> <li>• There are enough hotels, B&amp;Bs and caravan parks in Highland Perthshire to accommodate short term stays</li> <li>• Businesses have to apply to change a use and so should STLs</li> </ul> | <ul style="list-style-type: none"> <li>• Restricting STLs will not increase supply of affordable housing and should not be blamed for the lack of affordable housing – PKC should make more land available to enable more affordable houses to built instead / people would prefer modern homes which are well insulated and easy to heat rather than older buildings which most self-catering units are in Highland Perthshire / other factors also cause problems e.g. lack of affordable childcare, poor transport links etc.</li> <li>• STLs provide temporary accommodation for workers as well as holiday-makers e.g. contractors, hospitality workers</li> <li>• STLs encourages tourism all year round</li> <li>• STLs provide employment and bring in revenue to the wider community – they support local businesses e.g. cleaning and laundry, property management, gardening and property maintenance, which could be irreparably damaged by a lack of tourist spending - Highland Perthshire cannot afford to lose so much tourism income / loss of tourism-related jobs</li> <li>• Many STLs would not be affordable to buy or rent due to their size or location / reducing STLs won't drop property prices enough to make them affordable – they are more likely to be bought by retiring home owners</li> <li>• The Council should not interfere with the market / private property / people trying to run a business</li> <li>• More should be done to address housing provision for local residents but not at the expense of the tourism industry of which STLs are a vital part</li> </ul> |

| STLs in P&K should be managed / controlled / restricted / reduced because: | STLs in P&K should <u>not</u> be managed / controlled / restricted / reduced because:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                            | <ul style="list-style-type: none"> <li>• There is already extensive anti-social legislation which could and should be used – pubs and 24hour shops create noise / disturbance too</li> <li>• Reducing supply will push up holiday accommodation prices / STLs provide less expensive accommodation for those who can't afford hotels or want more freedom</li> <li>• There is no benefit it forcing second home owners who STL part time to instead leave their property vacant</li> <li>• Properties in the city centre may not be attractive for long term residents or landlords (current interest rates making it not worth buying to let) but are attractive for STLs</li> <li>• Cannot increase visitor numbers in Perth City if lose STL holiday accommodation</li> </ul> |

**PKC Officer comments**

The NPF is part of the statutory development plan and already sets the policy context for STLs with a general presumption against the reuse of existing buildings for STLs. Given there is not a specific policy in LDP2 the Council has to use the policy framework set out in the NPF until such time as the LDP is reviewed. The proposed guidance simply seeks to provide more information on the circumstances under which the Council may support an application for the change of use of an existing dwellinghouse to a STL within the policy framework set out in the NPF.

## Additional suggestions / comments

Table 6

| Respondent comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | PKC Officer comments                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Various suggestions on taxing STLs – taxed more heavily than principal homes; bed tax for no. nights STL is let; review of when STLs pay business rates rather than council tax e.g. small business rate relief</li> <li>• Incentives should be offered / made easier for owners to bring smaller STL properties / second homes back into longer term residential use – regulation makes it harder / less attractive for owners to long term let – not a level playing field</li> <li>• Second homes are as much / more of a problem but the guidance doesn't impact on these / targets the wrong type of property use</li> <li>• Second homes which are only used for STL part of the year should also be included as an exception as these will never be available as a primary residence and so provides economic benefits without impacting on the housing supply</li> <li>• Unintended consequence of controlling STLs may be an increase in second homes as no guarantee owners will sell</li> <li>• The cost for planning permission is too high and the process too complex</li> <li>• Should instead target empty homes</li> <li>• There should be no exemptions and neighbours must be consulted on STL applications</li> <li>• There should be enough purpose-built holiday accommodation to keep STLs out of the local housing market</li> <li>• Limiting STLs will damage the area's position as a tourism destination and will have knock on effects on other local businesses too</li> </ul> | <p>Outwith scope of planning guidance which simply seeks to provide more information on the circumstances under which the Council may support an application for the change of use of an existing dwellinghouse to a STL within the policy framework set out in the NPF</p> |
| <ul style="list-style-type: none"> <li>• Each area should have a maximum quota of properties that can be turned into short term lets informed by local housing requirements</li> <li>• Shouldn't be a blanket application of the guidance as there are different concentrations of STLs in different areas and different types / sizes of STL</li> <li>• Criteria list is too narrow and restrictive – there should be no barriers to anyone wishing to establish a STL business</li> <li>• Agree with criteria but list should not be exhaustive, and the emphasis of the policy should change from negative to positive</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Outwith scope of current planning guidance which has been prepared to assist in the application of the policy framework set out in the NPF. These issues can, however, be considered through preparation of policy framework in next LDP</p>                             |

| Respondent comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PKC Officer comments                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Distinction between STLs owners who live outwith PKC where the rental income is most likely spent elsewhere, and local owners who are more likely to spend the income locally and provide closer supervision</li> <li>• Planning permission should not be required for STL accommodation which is part of or within the curtilage of a permanent resident's principal home</li> <li>• The default position should be that properties are available for long term let or sale to residents and it should be incumbent on those proposing short term lets to prove they are not needed</li> <li>• Individual flats within a residential block should not be permitted to operate as STL due to the adverse impact on existing residents</li> </ul> |                                                                                                         |
| <ul style="list-style-type: none"> <li>• NPF policy 30 e) requirements are subjective and it is not clear what measurable criteria will be used to make decisions</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | The guidance has been prepared to assist in the application of the policy framework set out in the NPF. |
| <ul style="list-style-type: none"> <li>• The new guidance should not apply retrospectively to existing owners only to new or where there is a change of ownership</li> <li>• Most STL properties are converted commercial properties e.g. farm steadings, purpose-built lodges / pods etc which are not suitable for long term letting and already have planning permission so should be supported</li> <li>• Traditional B&amp;Bs / renting out rooms / home sharing should not be impacted by the guidance</li> </ul>                                                                                                                                                                                                                                                                   | The guidance clarifies the position in relation to planning permission                                  |
| <ul style="list-style-type: none"> <li>• Risk that a presumption in favour of granting planning permission in certain circumstances could override other important considerations</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | All planning applications will be assessed against the full suite of relevant LDP policies              |
| <ul style="list-style-type: none"> <li>• There's a need for liaison with Cairngorms National Park Authority</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Liaison has been undertaken                                                                             |



## General comments on consultation / process

Table 7

| Respondent comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | PKC Officer comments                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• There's little in the way of any hard evidence to support the alleged impact of STLs on loss of housing stock or house prices</li> <li>• Need to focus on empirical data and engage with all sides</li> <li>• Insufficient / flawed data</li> <li>• All evidence and data should be reissued after the licencing scheme deadline has passed</li> </ul>                                                                                                                                                                                                                                                                                                                    | <p>The STLs Evidence Paper will be updated to inform the recommendation on a STL Control Area to a future Committee.</p>                                                                                                                                            |
| <ul style="list-style-type: none"> <li>• Misleading data on position in other Council areas – Edinburgh and Highland</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The previous Committee report presented the information that was available at the time of preparing the report</p>                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• No guidance needed because NPF already has a policy on short term lets – guidance can only be non-statutory and therefore questionable what weight it can be given and if it is incompatible with the NPF then it cannot be given any weight at all</li> <li>• Guidance is disproportionate, over-reaching and over-laps with licensing – it is not fit for purpose and will be subject to legal challenge</li> </ul>                                                                                                                                                                                                                                                     | <p>The non-statutory guidance has been prepared to provide more information on the circumstances under which the Council may support an application for the change of use of an existing dwellinghouse to a STL within the policy framework set out in the NPF.</p> |
| <ul style="list-style-type: none"> <li>• Need for clearer wording on what is excluded from needing planning permission</li> <li>• Unclear whether guidance applies only with control area or whole of PKC</li> <li>• Committee report refers to 5 criteria not 4</li> <li>• Irrelevant to ask public opinion on something which is established in planning law (CLUD)</li> </ul>                                                                                                                                                                                                                                                                                                                                   | <p>Clarified in guidance</p>                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>• Questions unclear</li> <li>• Some of the questionnaire is badly written – it is unclear what agree or disagree refers to</li> <li>• Consultation was not communicated in a timely manner – should be extended / redone over the winter months as many people may have missed it over the summer</li> <li>• Unreasonable to expect the public to comment on the basis of inadequate and confusing data, and confusing policy wording</li> <li>• Consultation hub does not allow documents to be attached which limits the ability to provide an effective response</li> <li>• No formal correspondence from PKC despite being identified as a stakeholder group</li> </ul> | <p>Feedback is welcomed and will help improve future consultations</p>                                                                                                                                                                                              |

| <b>Respondent comments</b>                                                                                                                                                                         | <b>PKC Officer comments</b>                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li data-bbox="206 269 1299 331">• Unclear whether those granted a STL licence will then have to apply for planning permission before they can operate</li></ul> | Information on the licencing and planning permission processes is on the Council website<br><a href="http://www.pkc.gov.uk/shorttermlets">www.pkc.gov.uk/shorttermlets</a><br><a href="http://www.pkc.gov.uk/shorttermletsandplanning">www.pkc.gov.uk/shorttermletsandplanning</a> |



**CHANGE OF USE OF RESIDENTIAL  
PROPERTY TO SHORT-TERM LET**

**FINALISED**

**NON-STATUTORY PLANNING GUIDANCE**

**November 2023**

## **Introduction**

Tourism is a major economic driver in Perth & Kinross, and short-term lets are an important part of the visitor economy. The Council is, however, aware that some communities are becoming increasingly concerned that the increase in short-term lets over recent years is impacting on the availability and affordability of housing locally, and is having a secondary impact on jobs, services and business growth.

The short-term letting of a residential property can bring economic benefits both to the host and the local area. This must, however, be balanced against the impact the loss of that residential property has on the availability of housing for local people, affordable housing in particular, and the potential for adverse impacts on residential amenity where an increasing proportion of the housing stock becomes short-term lets.

The Council wishes to support a sustainable visitor economy and therefore recognises the importance of addressing the short-term let issue whilst also encouraging the development of appropriately located hotels, guest houses and bespoke self-catering units that do not erode local housing availability.

## Definitions and Exclusions

The focus of this planning guidance is the material change of use of dwellings to short-term lets.

The **material change of use** of land or buildings is included within the definition of development even if there are no physical alterations to the land or building. Planning permission is always required for a material change of use. A change from a flat to a short-term let is always considered to be a material change of use requiring planning permission. For residential property, the significance of the change must be considered. There are several factors which may affect the Council's consideration of whether the proposed change is a material change of use. Factors include an impact on local amenity or the character of a neighbourhood or area, safety, and impact on immediate neighbours.

**Short-term let** is defined in the [Town and Country Planning \(Short-term Let Control Areas\) \(Scotland\) Regulations 2021](#) where all the following criteria are met:

- a) *“sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration,*
- b) *no person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,*
- c) *the accommodation is not provided for the principal purpose of facilitating the provision of work or services to the person by whom the accommodation is being provided or to another member of that person’s household,*
- d) *the accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee’s duties, and*
- e) *the accommodation is not excluded accommodation.”*

The Regulations make several exclusions from the definition of a short-term let including hotels, boarding houses, guest houses and hostels. These are therefore not included within the scope of this Guidance.

While B&Bs are not specifically mentioned, the [Town and Country Planning \(Use Classes\) \(Scotland\) Order 1997](#) classifies these as ‘houses’:

*“Use as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms 1 bedroom is, used for that purpose”*

Any residential property being used as a B&B within the definition of ‘Class 9: Houses’ is therefore not included within the scope of this Planning Guidance.



For clarity other related definitions are:

***Dwellinghouse or residential property*** is defined as an independent dwelling (with its own front door, kitchen and bathroom) being accommodation which ordinarily affords the facilities required for day-to-day private domestic existence such as a house, flat, cottage.

***Secondary let*** - means the letting of a property where the host or operator does not normally live. The planning guidance cannot apply to Home-letting or Home-sharing (see below).

***Home-letting*** - Defined in the short-term let licensing legislation means using all or part of your **own** home for short-term lets whilst you are absent, for example, whilst you are on holiday. Not included within the scope of this guidance.

***Home-sharing*** - Using all or part of your **own** home for short-term lets, whilst you are there. Not included within the scope of this guidance.

***Private Residential Tenancies*** are excluded under Section 26B(3) of the 1997 Act as they are not considered secondary accommodation because they are the principal home of the tenant.

### Summary

**The following are not within the scope of this planning guidance:**

- Hotels, boarding houses, guest houses or hostels<sup>1</sup>
- B&Bs
- Home-letting
- Home-sharing, e.g. renting out a room in your house
- Private Residential Tenancies
- Short-term lets which have already been granted planning permission

There may, however, be a need to obtain a short-term let licence. More guidance on this can be found on the Council's website: [www.pkc.gov.uk/shorttermlets](http://www.pkc.gov.uk/shorttermlets)

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<sup>1</sup> Which are within the definition Class 7 Hotels and hostels of the Town and Country Planning (Use Classes) (Scotland) Order 1997

## Guidance

There is no specific policy in the current Perth and Kinross Local Development Plan 2 (LDP2) for the control of short-term lets. In terms of the Development Plan, the policy framework for assessing planning applications is therefore set out in the National Planning Framework 4 (NPF4), Policy 30: Tourism.

This planning guidance has been prepared to assist in the application of the policy framework set out in NPF4 and in the assessment of planning applications for the change of use of a residential property to a short-term let. The guidance applies across Perth and Kinross.

As indicated above, not all changes of use will require planning permission. More guidance on this can be found on the Council's website:

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

If the residential property has been operating continuously as a short-term let for more than 10 years owners are eligible to apply for a Certificate of Lawful Use or Development (CLUD) which, if granted, would mean the use would be exempt from planning enforcement action.

If the use is not eligible for a CLUD and planning permission is required, the proposal must comply with NPF 4 Policy 30 e):

**Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:**

**(i) An unacceptable impact on local amenity or the character of a neighbourhood or area (considerations 1-4)**

**OR**

**(ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits (considerations 5-6)**

### Considerations

1. Where is the proposal located? Is it:

- Within the city centre or a town centre (as identified in the LDP2) where there is no adverse impact on amenity or character of the area?
- Within a settlement boundary (as identified in the LDP2) and located in an area where there is a mix of other uses which could already affect residential amenity?

- Within a predominantly residential area and there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry?
2. Does the proposal relate to a residential property with four or more bedrooms, and will there be no adverse impact on local amenity from noise or disturbance if the let is occupied by a group or more than one family?
  3. Is the proposal for the extensive refurbishment of a long-term empty property which will improve the area by bringing the building back into active use?
  4. Will there be no unacceptable impact from the proposal on local amenity or the character of the area?
  5. Is the proposal part of a diversification scheme to support an existing Perth & Kinross rural business in line with NPF4 Policy 29: Rural Development and Local Development Plan policy 8: Rural Business and Diversification?
  6. Is there anything which demonstrates that the loss of the residential accommodation will be outweighed by the benefits of the proposal to the local economy?

Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.

#### Short-Term Let Control Area

If any part of the Perth & Kinross Council area is designated as a Short-Term Let Control Area at any point in the future, all new proposals for the change of use of a residential property to a short-term let submitted after designation of the said Control Area will require planning permission.

Any short-term let that was operating lawfully within a Control Area prior to its designation will not be required to apply for planning permission retrospectively. Lawfully means any short-term let which either has planning permission or was operating in a manner that was not a material change of use and therefore did not require planning permission.

## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

1 November 2023

#### AUCHTERARDER COMMUNITY FACILITIES FUND

#### Report by Head of Planning and Development

(Report No. 23/290)

### 1. PURPOSE

- 1.1 This report seeks the determination of an application for funding from Auchterarder Community Sport and Recreation for a contribution of £50,000 towards the installation of a pump track in Auchterarder Public Park on Western Road, Auchterarder. The application meets the Fund's criteria.
- 1.2 The Community Facilities Fund receives its income solely in the form of developer contributions based on the sales of new houses, and funding can only be allocated to projects where sufficient developer contributions have already been collected.
- 1.3 The views of local elected members and the Community Council have been sought, and these must be taken into account when determining this application.

### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
  - considers and determines this grant request, in principle, of £50,000 by Auchterarder Community Sports and Recreation, as a contribution towards the project to install a Pump Track at Auchterarder Public Park on Western Road, Auchterarder
  - notes that grant payment can only be made subject to money actually being available within the fund at a future point; along with the submission of a project plan showing finalised costs and a payment schedule.
  - agrees that any award should be conditional on planning permission being granted.

### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
  - Section 4: Background/Main Issues
  - Section 5: Proposals
  - Section 6: Conclusion
  - Appendices

#### 4. BACKGROUND / MAIN ISSUES

- 4.1 The Auchterarder Expansion Development Framework was published in February 2008, and was adopted by the Enterprise and Infrastructure Committee (Report No. 14/370 refers) as Supplementary Guidance to the Local Development Plan in September 2014.
- 4.2 That 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 service provided by community facilities. To mitigate this impact as the development progresses, one of the measures included in the Framework is a contribution of £1,000 per open market housing unit to be made to the Council by the developers up to a maximum of 600 units, towards an Auchterarder Community Facilities Fund.
- 4.3 In line with the Section 75 Legal Agreements attached to the permitted developments, the fund will be used for the sole purpose of providing Community Facilities, the meaning of which is set out in the agreements as:
- “...such public facilities within the settlement boundary of Auchterarder, the provision of which the Council, at its sole discretion, believes 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.”*
- 4.4 It is intended that the Fund be spent over the lifetime of the development as demand on community facilities increases. It is also intended that the Fund be used to support a range of projects that will benefit the community in Auchterarder.
- 4.5 Procedures for recording contributions received; distributing contributions towards the provision of community facilities; and reporting these details in an open and accountable way were agreed by the Enterprise and Infrastructure Committee (Report No. 16/375 refers). These procedures include reports on funding received and allocated, and procedures for the allocation of funding. Requests for funding up to £50,000 are delegated to the Executive Director (Communities). Where the amount sought exceeds £50,000, this needs to be referred to the Environment and Infrastructure Committee. The procedures also include provision where future contributions to the fund may be ring-fenced for projects, in addition to what has already been provided through the Fund.

4.6 Although this application may appear to fall within the £50,000 threshold for delegation, the Committee should note that the installation of the pump track is the second phase of a larger redevelopment proposal for the Auchterarder Public Park that has previously been awarded support from the Auchterarder Community Facilities Fund. As a result, due to the cumulative level of funding requested, a committee decision is required.

## **5. PROPOSALS**

5.1 The Committee is asked to consider and determine an application for funding from Auchterarder Community Sports and Recreation, a Scottish Charitable Incorporated Organisation (SCIO SC048490). The applicant lists its three main purposes as: to maintain and widen participation in sport and active recreation at all levels in Auchterarder; to develop and support local people to improve and strengthen local sports clubs and organisations involved in sporting or physical activities and widen opportunities to participate; and to develop and provide access to quality places where the community can get involved in sport and active recreation.

5.2 The application is for a sum of £50,000, sought as a contribution towards a project to install a pump track in Auchterarder Public Park on Western Road, Auchterarder.

5.3 Phase 1 of the redevelopment of the park was partly supported by an award of £100,000 from the Community Facilities Fund on 18 August 2021 (report 21/124 refers), development of which is complete. This application represents a second phase of works to provide a cycling pump track. Appendix 1 includes a copy of the application form and a location plan.

5.4 The project to provide the pump track (as part of the overall redevelopment of the park) would include:

- removal of existing surfaces
- drainage and resurfacing works
- provision of 115m length cycle pump track with 40m split line and skills area (option 3 in appendix 1); and
- improvements to access to the pump track

5.5 The purpose of the project would be to support the existing community's needs and meet demand from the new housing developments at the Auchterarder Development Framework sites. It is also anticipated by the applicant that it will attract visitors and enthusiasts from the cycling community to Auchterarder. The development of the pump track would also facilitate coaching by volunteers to raise skills levels.

5.6 The applicant makes a link between the proposed redevelopment of the park, the first phase of which is complete, and improvements to physical and mental wellbeing. The increase in number and frequency of visits to the park would promote opportunities for outdoor interactions where people are likely to meet informally, which will help build a strong community around the park. This will



help integrate the new housing areas with the existing town and will lead to higher levels of community wellbeing. In time, the applicant envisages that the park will act as a community hub, an area for the community to gather and where a programme of activities and informal recreation opportunities will be offered.

- 5.7 The applicant links the greater park redevelopment project to increased use of the adjoining Provost Walk core path as an informal recreation resource accessed from the park. This path was recently upgraded as part of a community-led project coordinated by the Perth & Kinross Countryside Trust. This included a substantial award of £150,000 paid in two stages in March 2017 and November 2018 from this fund (report 18/367 refers), amongst other funding sources, and the upgraded path connects the park to the wider path network serving several housing areas in the south of the town.
- 5.8 The applicant reports strong community support including from the Friends of St Margaret's.
- 5.9 The application form states that the estimated construction cost for the pump track would be £195,414 and will be subject to a tendering process. Planning permission for the larger project to redevelop the park was originally granted on 11 March 2021 (planning permission reference 20/01646/FLL) and included proposals for a pump track. However, it is noted that the location plan accompanying this funding application relocates the Pump Track area proposed in the planning application to land south of the existing football pitch. This is outwith the area covered by the original planning permission but still within the Auchterarder Public Park. Although unlikely to affect consideration of this funding application, a fresh planning application for development of the pump track at the new location will therefore be required. Should funding be awarded, it should be conditional on planning permission being obtained.
- 5.10 An indicative plan for the park's redevelopment is included at Appendix 1 showing the projected costs. Should an award be made, it is recommended that it also be subject to submission of an updated project plan in due course showing finalised costs and identifying when the sum requested would be required over the course of the project.
- 5.11 In terms of financial support from other sources, the applicant has confirmed funding of £2,550 of its own, and has received or made one-off applications to the following other funding bodies:

| <b>Funding Body or Fund Name</b>                   | <b>Amount</b> | <b>Status</b>                  |
|----------------------------------------------------|---------------|--------------------------------|
| Auchterarder Community Facilities Fund             | £50,000       | Approval sought in this report |
| Sportscotland in partnership with Scottish Cycling | £50,000       | Application approved           |
| The Gannochy Trust                                 | £50,000       | Application approved           |
| Friends of St Margaret's                           | £12,500       | Application approved           |
| Auchterarder & District Community Trust            | £12,500       | Application approved           |
| Sponsorship                                        | £4,500        | Secured                        |

### Consultation

- 5.12 In terms of consultation carried out on the application, the views of the Auchterarder and District Community Council and the local elected members were sought, in line with the Fund's operating procedures. These views require to be taken into account when determining this application.
- 5.13 The Auchterarder and District Community Council were consulted but a response has not been received to date. Views were also sought from the three local elected members for the ward. Two of the local elected members advised that they are also a member of this committee and therefore wished to reserve their position on the application.

### Assessment

- 5.14 Based on the information provided by the applicant, the project meets the fund criteria regarding the provision of community facilities. The four criteria are:
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 costs and demonstrate that this can be secured through existing or future budgets.
- 5.15 The park is wholly within the settlement boundary and is near to several residential areas in Auchterarder, including one of the three Auchterarder Development Framework sites at Townhead. The Provost Walk core path adjoins the park.
- 5.16 There is sufficient link between the project – which aims to improve facilities in an existing park by constructing an outdoor cycle pump track – and the need to provide additional community facilities in the town to mitigate the impact of the new housing.
- 5.17 The project improves the amenity of the public realm as it is an integral part of a greater project to improve the park and provide new facilities for the public. There is evidence of other funding streams for the project.
- 5.18 The ongoing maintenance of the facility is not discussed in the application for funding, which is solely for construction costs. However, the cycle pump track forms part of a larger project to improve and maintain the park and the maintenance of this pump track would be incorporated into the maintenance of the wider park. This application seeks additional funding for its construction only.

#### Availability of Funding

- 5.19 In terms of the fund balance, there is currently £41,043 in the account. The Council has received contributions totalling £ 443,920 of which £402,877 has already been allocated and paid to projects, including the sum of £100,000 already paid to the Auchterarder Community Sport and Recreation Group, representing the award previously approved by this Committee (Report No. 21/124 refers).
- 5.20 Predictions on future contributions are based on the level of contributions to date, along with an estimate of the rate of open market completions at the remaining three development sites. For this year and coming years, officers anticipate an income of approximately £ 23,000 per annum. This is based on estimated house sales and an assumption that house building at the three development sites proceeds with annual contributions made to the Fund from the respective developers. Contributions to the Fund from some of the remaining 129 open market units at Castlemains and Kirkton are anticipated to become due in the next three years. Contributions from the remainder of the Townhead site (the final 63 open market units), are expected in the long term, and are therefore not available during the timeframe of this application.

5.21 The following table sets out the fund’s anticipated income for this year and the following two years.

|                                  | 2023-24 | 2024-25 | 2025-26 |
|----------------------------------|---------|---------|---------|
| Balance brought forward          | 41,043  | 64,043  | 87,043  |
| Income                           |         |         |         |
| Future contributions (estimated) | 23,000  | 23,000  | 23,000  |
| Balance carried forward          | 64,043  | 87,043  | 110,043 |

5.22 The Community Facilities Fund receives its income solely in the form of developer contributions based on the sales of new houses and funding can only be allocated to projects where sufficient developer contributions have already been made.

5.23 The rate at which those contributions are received into the account depends on the rate at which housebuilding continues at the three framework sites. If future contributions are not received as quickly as forecast, for example if the rate of housebuilding is not as forecast, there is no financial risk to the Council in forward committing grant aid. This is because whilst future contributions to the fund may be ring-fenced for projects, **disbursements from the fund cannot be made until sufficient funds have been accrued in the account.**

## 6. CONCLUSION

6.1 As the project meets the Fund’s criteria, the Committee is required to determine this application taking into account the views of the consultees, given the level of funding requested, and also having regard the level of available funds in the account.

**Author**

| <b>Name</b>        | <b>Designation</b> | <b>Contact Details</b>                         |
|--------------------|--------------------|------------------------------------------------|
| Alasdair Finlayson | Planning Officer   | 01738 475000<br>ComCommitteeReports@pkc.gov.uk |

**Approved**

| <b>Name</b>    | <b>Designation</b>                  | <b>Date</b>     |
|----------------|-------------------------------------|-----------------|
| Barbara Renton | Executive Director<br>(Communities) | 23 October 2023 |

**APPENDICES**

- Appendix 1 – Application form and supporting information.

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>Yes</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>Yes</b>        |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 This report supports all of the priorities within the Community Plan 2022-27.

- (i) *Reducing Poverty (including child poverty, fuel poverty and food poverty)*
- (ii) *Mental and physical wellbeing*
- (iii) *Digital participation*
- (iv) *Skills, learning and development*
- (v) *Employability*

#### Corporate Plan

1.2 This report supports the objectives within the draft new Corporate Plan:-

- (i) *Children and young people grow up safe, respected, well-educated, and confident in their ability to realise their full potential;*
- (ii) *People and businesses are increasingly able to prosper in a local economy which support low carbon ambitions and offers opportunities for all;*
- (iii) *People can achieve their best physical and mental health and have access to quality care and support when they need it;*
- (iv) *Communities are resilient and physically, digital and socially connected;*
- (v) *Perth and Kinross is a safe and vibrant place, mitigating the impact of climate and environmental change for this and future generations.*

## 2. Resource Implications

### Financial

- 2.1 The Head of Finance must be consulted on all proposals with financial implications. No report with such implications should be presented at a meeting when this has not been done and it should be explicitly stated that the Head of Finance has been consulted and has indicated agreement with the proposals.
- 2.2 This section should state the specific amount of revenue and capital funding required in the current financial year and the full year effect of any future funding and how that will be met. Detail should be provided of where the financial provision has been made e.g. the Revenue Budget / Capital Programme or a special monies allocation.
- 2.3 All reports should contain clear and unambiguous financial information. It could also be helpful to provide an outline of the budget or overall investment in this area of activity.

### Workforce

- 2.4 There are no workforce implications.

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

- 2.5 There are no land, property or information technology implications.

## 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. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).
- 3.2 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 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

- 3.5 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. 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.
- 3.6 The report does not have a direct impact on sustainability or climate change as it provides detail of an application for funding.

#### Legal and Governance

- 3.7 No legal and governance implications are identified.

#### Risk

- 3.8 This report provides details of an application for funding received in respect of the Auchterarder Community Facilities Fund. There is no significant risk to the Council. The source of funding has been identified through a Section 75 legal agreement and the Council decides how such funding will be distributed to identified projects. There are minor risks that the lack of fund collection does not allow suitable projects to be supported, or that funds collected are not used within five years and are returned.

### **4. Consultation**

#### Internal

- 4.1 *The views of the Local Elected Members and the Convener of the Environment, Infrastructure and Economic Development Committee were sought, in line with the Fund's operating procedures. **All three Local Elected Members responded to express support for the application. In line with practice, the Convener wished to reserve his views, noting that the application would in time come before this committee for determination.***

#### External

- 4.2 *The views of the Auchterarder and District Community Council were sought, in line with the Fund's operating procedures. The Community Council did not respond within the initial timescale and this is being followed-up.*

## **5. Communication**

- 5.1 This report provides details of an application for funding received in respect of the Auchterarder Community Facilities Fund. The target audience for this report is therefore the fund contributors (the developers of the Auchterarder Framework Sites) in respect of reporting their financial contributions, and the potential recipient of funding (Auchterarder Community Sports and Recreation).
- 5.2 While no specific communications are required to target the key audiences of this report, the report may be of interest to other community groups in Auchterarder that may be considering funding applications of their own. It may also have wider public interest in terms of how contributions to the fund are collected and used. The Council's website includes an information page to raise awareness of the fund and how to make an application to the fund.

## **2. BACKGROUND PAPERS**

- 2.1 This section should list the documents that have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report. All documents must be kept available by the author for inspection by the public for four years from the date of the meeting at which the report is presented.
- 2.2 Auchterarder Expansion Townhead and North East Development Framework  
March 2008



**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 Executive 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, dependant 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 distribution, 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 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 out with, 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.

### **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)

Auchterarder Community Sports and Recreation (ACSR)

Project address/location (please attach a location plan)

Auchterarder Public Park, PH3 1JH

Project proposal overview

We are seeking funding to install a high-quality Pump Track in Auchterarder Public Park.

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

Our track will attract people of all ages, all abilities and all experiences of cycling – and will make a valuable contribution to helping people to live healthy lives, by promoting health and wellbeing, encouraging exercise and creating an activity focal point in our town. Our facility will be free to access, helping to alleviate barriers being created by the current cost-of-living crisis and creating a facility which will not discriminate against those facing the challenges associated with poverty – and will attract local residents, enthusiasts from the Scottish cycling community and visitors. With our new facility, we will be able to offer coaching, through passionate local volunteers, which will help to boost confidence and raise skill levels of those using the track.

Amount of funding requested

£50,000.00

Details of what the funding will be spent on

All of the funding will be spent on the construction of the facility.

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

- sportscotland (in partnership with Scottish Cycling): £50,000.00 secured
- The Gannochy Trust: £50,000.00 secured
- Friends of St Margaret's: £12,500 secured
- Crowdfunding (LocalGiving – launched June 2023): £80 secured
- Total currently secured: £112,580.00

- Discussions about an uplift in funding from all three funders above are in progress.
- We have only just launched the crowdfunding appeal within the local community, so we expect this figure will grow!
- We have identified two other grant funders which we will be approaching too, to try and bridge our shortfall.

(We also have full funding in place for a Mountain Bike "Skills" Area - a separate area costing £18,000.00.)

Date by which receipt of funding is preferred

30 June 2023

(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.

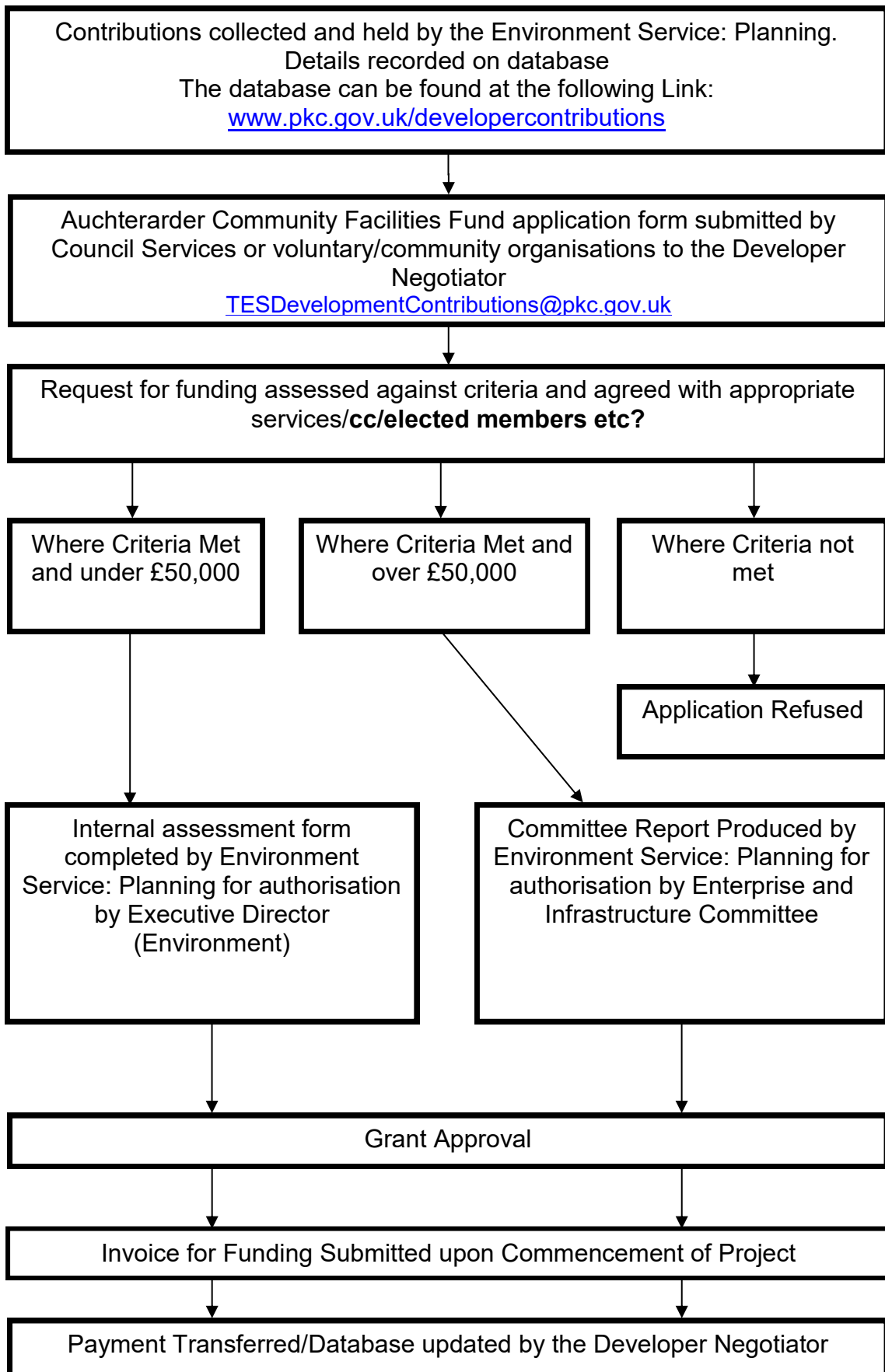
Applications should be preferably be submitted by email to the Developer Negotiator at [TESDevelopmentContributions@pkc.gov.uk](mailto:TESDevelopmentContributions@pkc.gov.uk)

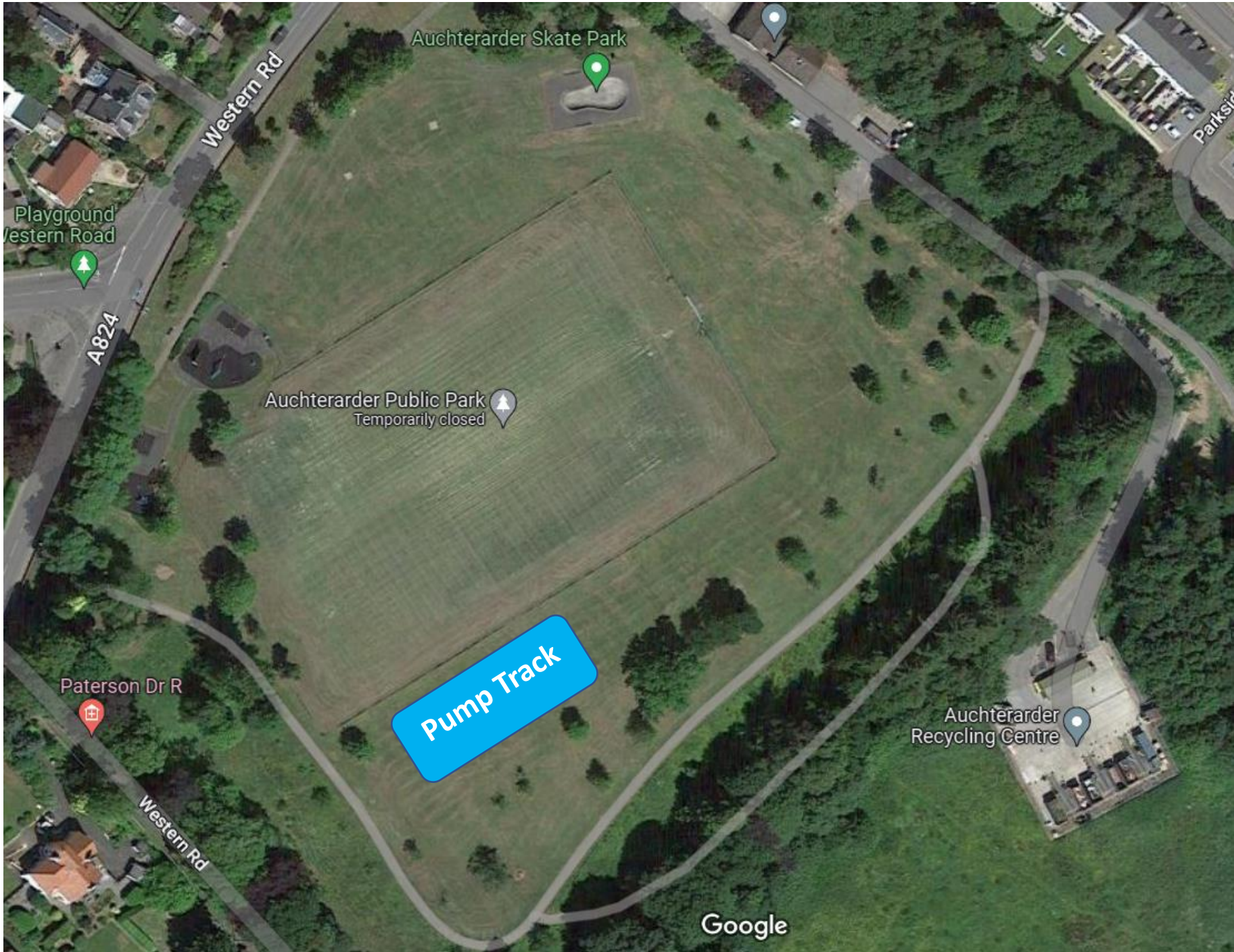
A paper copy of the application together with the accompanying location plan should be sent for the attention of the Developer Negotiator to:

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



## Auchterarder Community Facilities Fund





## Auchterarder Pump Track and Mountain Bike Skills' Area Project Costings Update, June 2023

Following an on-line consultation on Friday 2<sup>nd</sup> June 2023, attended by representatives from Auchterarder Community Sports & Recreation (ACSR), an ACSR 'Technical Sub-Group and Velosolutions UK and Ireland, it was agreed to fully investigate the possibility of amending the initially proposed design options for the new Pump Track to be located in Auchterarder Public Park.

The discussions at this meeting were built upon the previously agreed material change in plans – the Pump Track was re-located to a more beneficial location within the park and the budget for the project (including the Mountain Bike Skills' Area) was increased and the Pump Track length was increased from the originally planned 80m. The following information was received from Velosolutions UK and Ireland on Friday 9<sup>th</sup> June 2023:

**From:** Edd Wright | Velosolutions <edd.wright@velosolutions.com>  
**Sent:** Friday, June 9, 2023 4:58 PM  
**To:** Tim Hart Tim@acsr.org.uk  
**Subject:** Auchterarder Cost Updates

Hi Tim,

As discussed, please see the attached 3 options for the new pump track site. Skills area remains as per original tender.

### Option 1

115m Length Pump Track  
Skills Area  
Total Project Cost (Incl. VAT) **£161,567.06**

### Option 2

115m Length Pump Track with 16m split line  
Skills Area  
Total Project Cost (Incl. VAT) **£178,098.26**

### Option 3

115m Length Pump Track with 40m split line  
Skills Area  
Total Project Cost (Incl. VAT) **£195,414.26**

Good luck with your bids for funding.  
Thanks,  
Edd



### EDD WRIGHT

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[velosolutions.com](http://velosolutions.com) | [pumptrack.com](http://pumptrack.com) | [pumpforpeace.com](http://pumpforpeace.com) |  
[pumptrackworldchampionships.com](http://pumptrackworldchampionships.com)



While [option 1 \(below\)](#) is deliverable and would provide an adequate user experience, it was agreed by all that a tweak to this design could provide a much-enhanced user experience and would enable the possibility of a volunteer-led coaching programme to be established too.



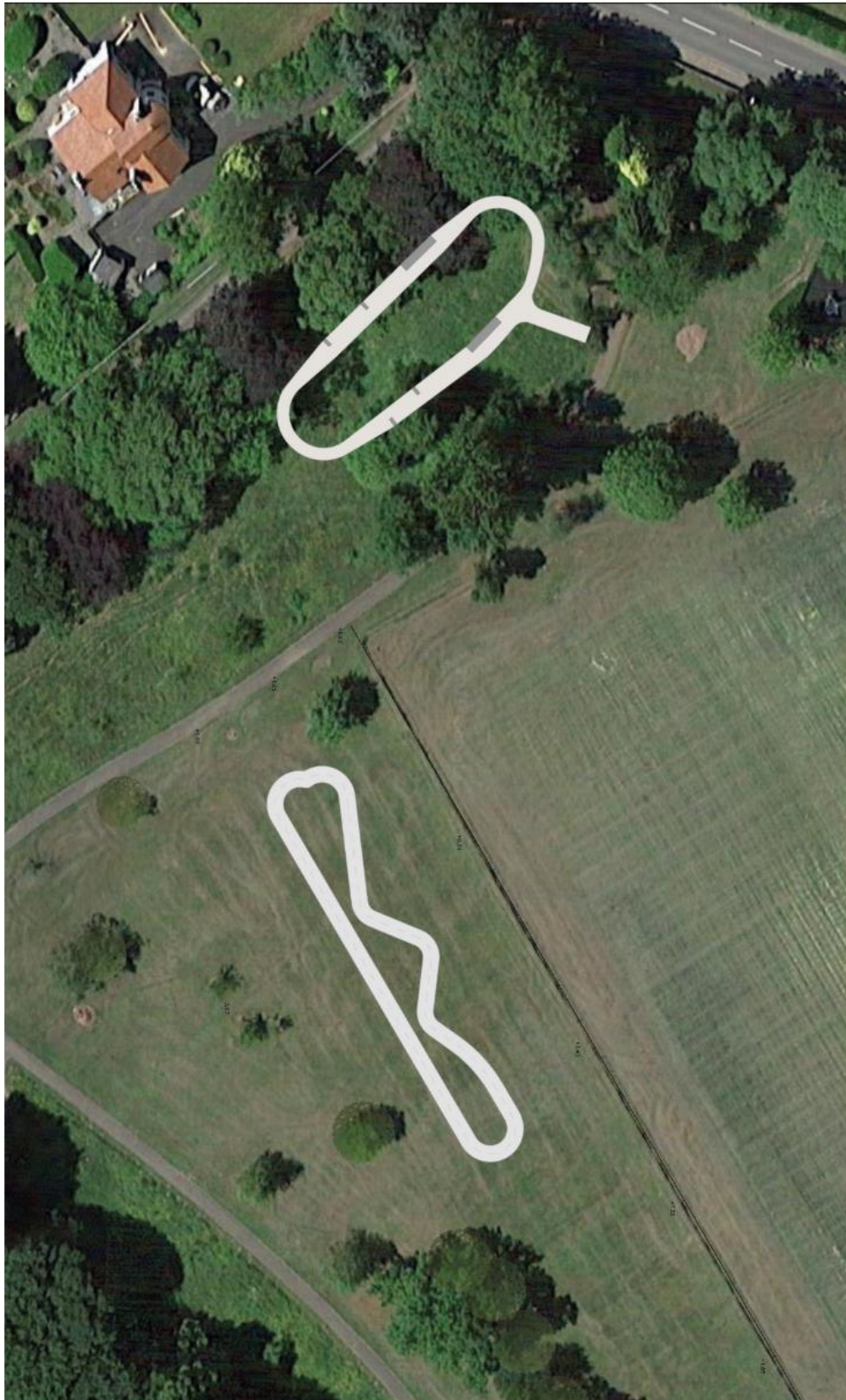


Option 2 (below) and option 3 (below) show two different methods of incorporating a 'split-line' on the back straight – with one-line providing a much more advanced sequence of features.

ACSR and the ACSR 'Technical Sub-Group' are keen to provide the absolute best facility possible – and now aim to seek funding to enable option 3 (below) to become a reality.

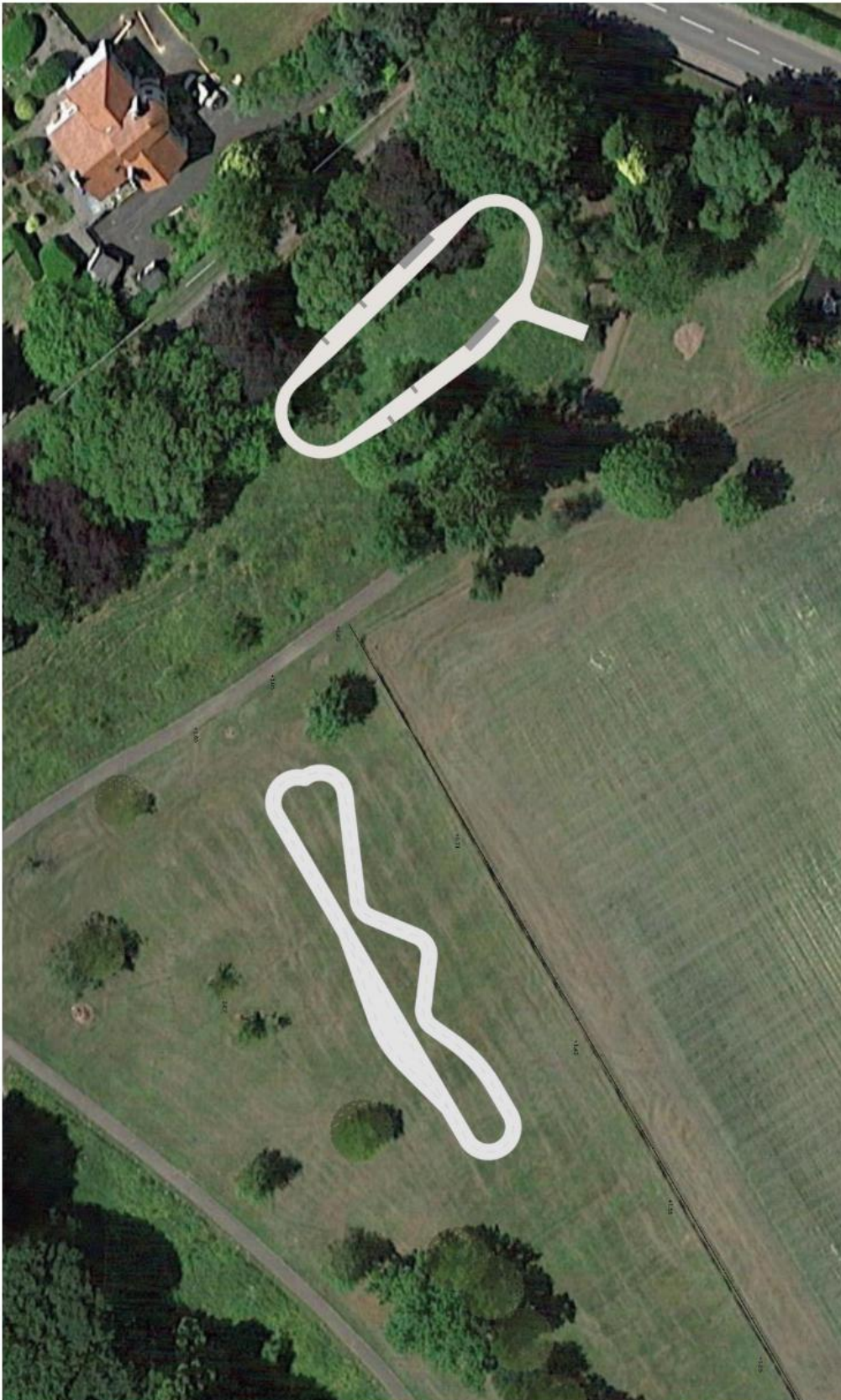
## Auchterarder Pump Track and Mountain Bike Skills' Area

### Option 1





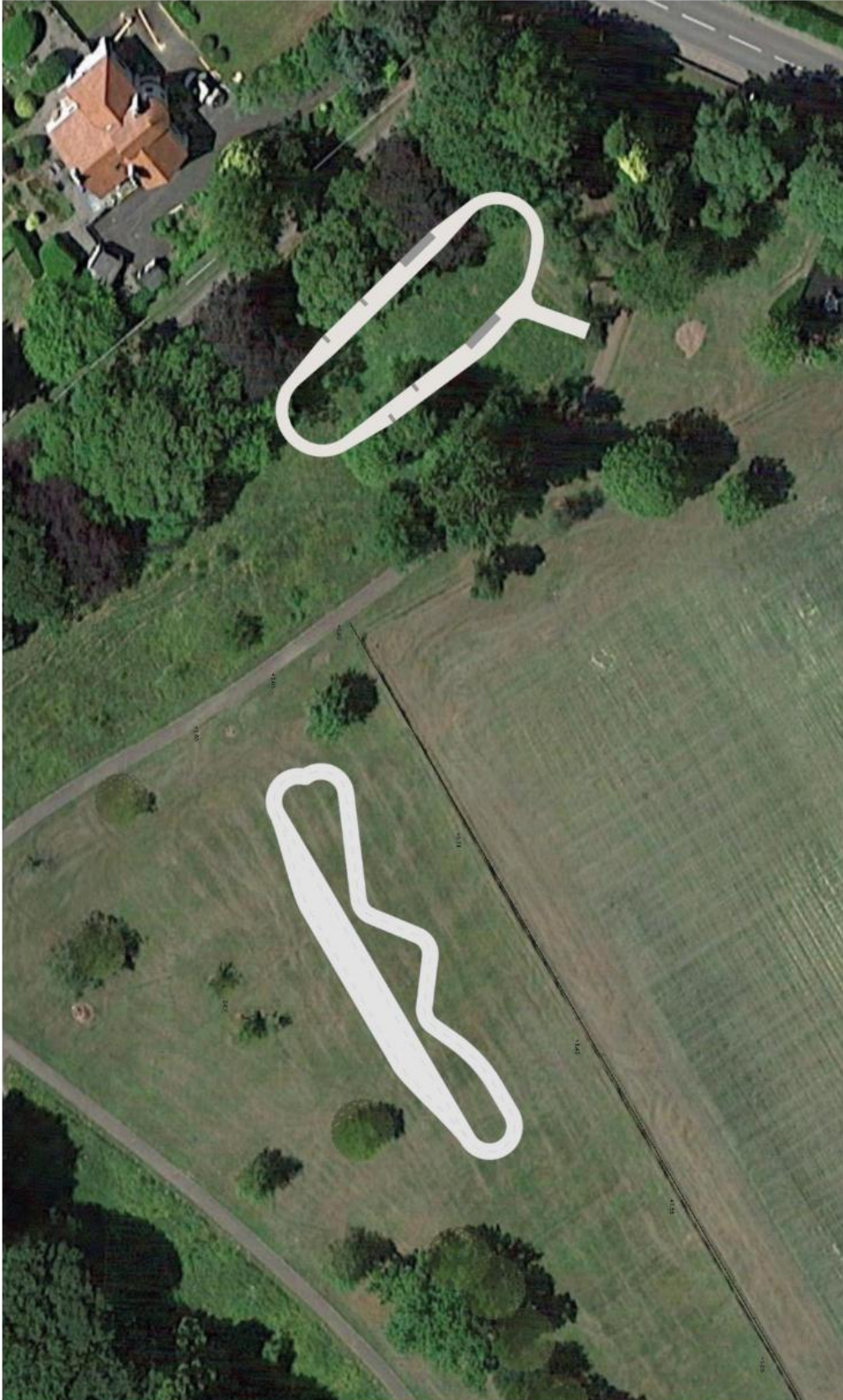
## Auchterarder Pump Track and Mountain Bike Skills' Area Option 2





## Auchterarder Pump Track and Mountain Bike Skills' Area

### Option 3





## Auchterarder Pump Track Funding Update, 2 October 2023

| Funder                                         | Award Level        |
|------------------------------------------------|--------------------|
| Auchterarder & District Community Trust        | £12,500.00         |
| Friends of St Margarets                        | £12,500.00         |
| Local Community (Crowdfunding)                 | £1,913.79          |
| Local Community (Bike Extravaganza Activities) | £636.25            |
| Sponsorship                                    | £4,500.00          |
| <b>sportscotland</b>                           | £50,000.00         |
| The Gannochy Trust                             | £50,000.00         |
| <b>Total</b>                                   | <b>£132,050.04</b> |



## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development

1 November 2023

#### POLICY AND LEVEL OF SERVICE FOR WINTER 2023/2024

##### Report by Head of Environment and Consumer Services

(Report No. 23/291)

### 1. PURPOSE

- 1.1 This report describes the winter season experienced in 2022/2023 and proposes a level of service for the 2023/24 winter season period, the aim being to permit winter weather to be treated and assist the safe movement of pedestrians and vehicles across the Council area.
- 1.2 The Winter Maintenance Policy is designed to deal with a typical winter and the level of service complies with the recommendations laid down in Code of Practice 'Well-managed highway infrastructure' (the code). The code refers to practical guidance by the National Winter Service Research Group (NWSRG).
- 1.3 Severe snow events may restrict movement during periods when demand exceeds the available resources. Teams will continue to focus their efforts on priority routes whilst continually reviewing conditions and routes to ensure optimal efficiency. However, often during these severe events the Council cannot meet the public's expectations.

### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Environment, Infrastructure and Economic Development Committee:
  - notes that changes to last year's policy and level of service for winter are shown in *italics*
  - approves the level of service for the gritting and snow clearing of roads and footways in Perth and Kinross for the forthcoming winter period, using plant and labour resources of Tayside Contracts, other Council Services and private contractors as required
  - notes that officers are continuing to examine resource requirements to support year round resilience, recognising changing weather patterns

### **3. STRUCTURE OF REPORT**

3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Proposals
- Section 6: Conclusion
- Appendices

### **4. BACKGROUND / MAIN ISSUES**

- 4.1 Within Perth and Kinross, there are a number of winter service arrangements for our public roads. Around 910km of the Council's 2,500km road network is designated as 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.
- 4.2 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. However, it is not possible to treat every road and footway, particularly during severe weather events. Very low priority carriageways and footways are normally not treated, unless hard packed snow or ice threatens to prevent access for essential services.
- 4.3 In periods of prolonged severe weather, resources are targeted towards keeping the strategic road and footways network open. As a result, it can be a considerable time (in some cases several days) before lower priority routes are reached. *In cases where repeated treatment of the primary network is disadvantaging other users and where there is minimal risk in deviating from the priority treatment, officers will direct resources to these other areas.* The availability of operatives also impacts on the level of cover that can be provided for footway treatment.
- 4.4 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 and A9 between Broxden and Keir Roundabout. This is managed by Amey (since August 2022). The A9 north of Broxden and A85 has been managed by BEAR (Scotland) Ltd for many years.
- 4.5 Experience of recent winters has shown that the level of service as set out in this Policy is generally achievable, although public expectation is significantly higher in severe snow and ice events than can reasonably be delivered. This is particularly the case on the lower priority roads and footways.

- 4.6 Winter seasons are always unpredictable. 2022/23 was what can be described as a “fairly typical winter” with regular afternoon/evening treatments to prevent ice forming overnight, followed by morning treatment where wet weather had washed the salt off and thus required retreatment. A feature of winter 2022/23, however, was that significant activity was compressed into December/January. The pushing back of the winter cover start date and reduced period of nightshift cover correlate with this period of increased activity. This is explained further in para 4.8.
- 4.7 Tayside Contracts provide the labour to drive all carriageway gritters. Last year, the national shortage of HGV/LGV drivers, along with general challenges in attracting and retaining staff, directly impacted available driver numbers. Three of the four nightshift routes were staffed by driver hire. However, this proved less reliable than staffing routes with employed staff and required regular late volunteer replacements to ensure service delivery. This matter has been resolved for 2023/24 and is discussed further at para 5.5 below.
- 4.8 Planned activity is based on forecast road surface temperatures rather than air temperatures as reported in news forecasts. Operationally, marginally fewer actions were carried out compared to the previous winter but still sit around the 6 year average, hence deemed a typical winter. The period of nightshift cover in place resulted in very similar levels of treatment required, thus justifying compressing the period the nightshift was available. Table 1 Operational Activity Statistics details activity over last winter compared to previous years, highlighting:
- there was a requirement to plough snow from the network for 15 days, this is twice what was required in 2021/22 but half of 2020/21. This demonstrates the unpredictable weather patterns officers and drivers need to be ready to react to.
  - 15,776 tonnes of salt were spread, an increase of 898 tonnes on the previous winter. This is as a result of increased snow days, where activity levels and thus salt outputs increase.
- 4.9 With over 1,600 grit bins, keeping them fully stocked when demand is high is challenging. Last winter, 3<sup>rd</sup> party contractors assisted in stocking grit bins in advance of winter and replenishing during the season. As it was a relatively mild season, self-help was not exhaustive and, as such requests could broadly be kept up with. Grit bins are stocked with a mix of salt/sand with sand usage down on previous years.
- 4.10 Although a typical winter season, the £3.865m budget was exceeded, outturning at £4.623m. The balance of cost is funded from Council reserves. The budget for the current winter programme (2023/24) has been increased to £4.128m, although it is recognised that, as in previous years, the outturn position will depend on the extent of the winter weather. This increased budget allocation includes £50,000 to enable the Council to be more agile and responsive to move resources around localities to address specific need. This £50,000 allocation has been used to ensure we have trailers available to

*move footway tractors around and will fund the additional cost of doing so, along with staffing the additional use of this equipment.*

- 4.11 At the end of each winter, a review of operations is undertaken with stakeholder consultation to identify areas of good practice, challenges faced, capacity and resource issues and improvements or adjustments to future plans. Changing weather patterns, resources and personnel constraints mean that the winter service needs to be agile and flexible to respond effectively. In addition, reflecting those changing weather patterns across the year, officers are continuing to examine resource requirements to support year round resilience.
- 4.12 These management reviews seek to provide an acceptable level of service whilst minimising costs, complying with working time directives and managing the work/life balance for personnel. As part of the review, *community councils were contacted and invited to provide feedback on the 2022/2023 service to inform improvements or adjustments for the current year. As it was not a severe winter season, minimal feedback was received. In addition, all elected members were invited to a presentation on 29 June 2023 to discuss winter service delivery considering statutory requirements and limitations (resource and financial). Feedback was that, although elected members were broadly happy with the service, there is a desire for officers to be permitted to be more flexible/agile without compromising their/the Council's liability. Officers were also remitted to review footway route coverage within Perth City to facilitate the treatment of the paths across North/South Inch to reflect the higher footfall these paths have. These footway links are now included in the route coverage.*
- 4.13 The Council have 8 weather stations, 2 carriageway sensors and 9 camera sites (3 sites have dual directional cameras) placed strategically across the network. The station data and images are shared with neighbouring authorities & BEAR Scotland, with their information reciprocally shared with Perth and Kinross. The camera images are also available on the Council website alongside a community camera at Spittal of Glenshee (which the Council helped fund) and Braemar. The Council would welcome discussions with other community groups around installing additional cameras and sharing the costs/images. This infrastructure is maintained, and information retrieved / interpreted by Vaisala. *The weather forecast contract for the winter of 2023/24 will again be provided by MetDesk Weather Services with the contract having been extended for an additional year.* Both contracts are administered by *Dundee City Council Procurement* on behalf of seven councils working collaboratively to achieve economies of scale. *Two additional sensors are being installed in advance of the winter season at B827 Dalginross and A923 Butterstone to give winter controllers better coverage of the Council area and reduce the need to drive to these areas to establish conditions.*
- 4.14 *For winter 2022/23, the Council spread rock salt only on carriageways to mitigate increased costs of marine salt. A minimal quantity was stored outside, with a mid season restock, as there was a risk of the salt exceeding*

*permissible moisture content levels, forming lumps and bridging in the gritters affecting its spread rate. Despite a wet winter, this was not experienced and no issues were encountered in spreading salt on the network.*

- 4.15 *Residents in Glen Quaich received a plough and gritter to enable self help treatment from Amulree to The Garrows (last property before going over the hill). Due to delivery delays, this was received late in the season giving little opportunity to monitor its effectiveness. Council officers will, in conjunction with residents, monitor effectiveness through a full season to establish opportunities to roll out further, if interested parties come forward.*
- 4.16 *Amey are based within the Ruthvenfield and Kinross depots to enable them to serve the trunk road network. This has enabled an element of cost share to both parties as follows:*
- *depot rental contribution offsetting winter operating costs*
  - *shared equipment for loading gritters*
  - *large brine tank installed by Amey but available for Council use*
  - *shared use of salt dome with common salt stock and ability to replenish from shared sources*
  - *shared costs for management/movement of salt stock*
  - *shared use of Tayside Contracts weighbridge in Ruthvenfield and Amey in Kinross later in the season*

*Discussions have taken place and whilst there is no opportunity to combine gritting routes/vehicles, agreement on boundary and network interfaces will ensure continuity of treatment for the travelling public.*

**Table 1 – Operational Activity Statistics**

| Action                                     | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|--------------------------------------------|---------|---------|---------|---------|---------|---------|---------|
| Category 1 pre gritting                    | 46      | 70      | 33      | 56      | 53      | 47      | 40      |
| Category 1 Morning De Ice or Snow Clearing | 71      | 108     | 53      | 66      | 66      | 76      | 70      |
| Treatment on night shift routes            | 63      | 91      | 55      | 82      | 61      | 58      | 61      |
| Number of snow days (>50% of network)      | 29      | 35      | 7       | 10      | 37      | 8       | 15      |
| Treatment on Cat 2 network                 | 24      | 56      | 28      | 20      | 44      | 31      | 30      |
| Treatment on Cat 3 network                 | 5       | 12      | 3       | 1       | 17      | 6       | 3       |
| Treatment on footway network               | 11      | 50      | 19      | 12      | 38      | 25      | 23      |
| Salt used (t)                              | 13,301  | 30,632  | 12,191  | 18,681  | 24,158  | 14,868  | 15,766  |
| Grit Sand used (t)                         | 965     | 3,322   | 675     | 875     | 3,412   | 750     | 621     |
| Red/Orange Alert in operation (days)       | 2       | 19      | 0       | 2       | 35      | 11      | 14      |

## **5. PROPOSALS**

- 5.1 *Cover commenced on 16 October 2023 and runs until 14 April 2024. Appendix 1 details the phased resources available and the times that the agreed level of service will be provided if treatment is required. However, in periods of*



prolonged severe weather, this level of service is often not achievable due to a requirement to ensure that operatives are given adequate (statutory) rest breaks and do not exceed driver hours.

- 5.2 Over weekends and public holidays, a driver cohort that can treat only the Category 1 road and footway network is available. This is because we need the entire workforce to widely treat the lower categories, and to do this 7 days a week would prevent road workers getting adequate (statutory) breaks.
- 5.3 A reduced level of staff and vehicles are available during the lead in and lead out periods reflecting weather patterns *and thus need*. In circumstances when unseasonal weather is forecast/experienced, volunteers are sought to support any response and to work outwith normal hours. Resourcing reduced staffing/vehicles during these periods assists in containing costs. However, this presents capacity risks when adverse weather is encountered.
- 5.4 In severe weather conditions, the higher priority routes may have to be treated several times before resources can be diverted to lower usage roads. Treatment may be restricted to clearing only the carriageway, or one footway, to ensure resources can be utilised as widely as possible across communities. *Additionally, this Policy permits deviations from re-treating the primary network where there is minimal risk in doing so and a wider benefit to communities by treating other routes.*
- 5.5 *Tayside Contracts provide the labour to drive all carriageway gritters. Over the last two years, they have trained 8 HGV/LGV drivers to address this shortage and for winter 2023/24 will return to staffing all carriageway gritters. The labour force remains under establishment, however, leaving gaps in footway rotas which will be covered by a combination of PKC waste and greenspace operatives and the sub-contract supply chain.*
- 5.6 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. When snow falls it can take twice as long to complete treatment, as vehicles need to travel more slowly, and ploughing is required in both directions. With the exception of the four 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 between 08:00 – 15.00.
  - 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.

5.7 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 within the main winter period, with extended hours on weekdays if an alert is called. 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.
- In periods of daily repeat treatment officer discretion will be applied to treating the side of a footway "not normally treated" *as described in 5.4 above*. Consideration will also be given to rotation of treatment across settlements to ensure fair coverage *eg where a footway tractor treats several villages it will reverse the order day by day to widen route coverage whilst not compromising category 1 route safety*.
- Category 2 footway routes will be treated five days per week (Monday to Friday) as resources permit between 08:00 – 15.00.
- Category 3 routes comprise of footways which are not normally treated, except in prolonged ice or snow conditions and only when resources become available.

5.8 Situations occur which need restrictions on hours, routes, and the employment of contractors etc. to be relaxed, to deal more effectively with the emergency. This is allowed for and controlled by a system of 'Alerts'. In serious situations, either an Orange or Red Alert can be authorised by the Road Maintenance Partnership Manager, to allow working arrangements out with the 'normal' policy such as employing 3<sup>rd</sup> parties to work on clearing/lifting snow or exceeding driver hours to deal with un-forecast situations.

5.9 *Last winter season saw 15,766 tonnes of salt spread. Salt stocks have been replenished and sit at 15,612 tonnes mid-September, with 10,000 tonnes under cover, and a mid-season restock is in place for January 2024, if required. Tayside Contracts has again, at the Council's request, re-stocked with a majority of rock salt to mitigate cost increases of marine salt. Marine salt will continue to be used in footway tractors, as it is finer and flows through the smaller spinner mechanism better and manufactures brine.*

5.10 The Council currently provides in excess of 1,600 grit bins, reflecting our approach to encourage self-help and the policy not to treat some minor roads routinely. Any request for additional grit bins may require relocation of grit bins known to have minimal usage. Grit bins are generally only provided on steep gradients, tight bends, and steps or in some particular cases where there is a specific community need. The routinely available resources to service and replenish these containers is at capacity and 3<sup>rd</sup> party contractors will again be used to assist replenishing these. Additionally, bulk bags of salt are available should communities request a quick supplementary supply. Push along barrows are also available for community groups/individuals to assist in treating areas the Council does not routinely get to.

- 5.11 Voluntary arrangements are in place with 68 farmers to whom the Council supplies snow ploughs, which they fit to their own vehicles to clear snow on specified lengths of public road, and their own private roads. Farmers provide an invaluable additional resource and the farmers included on this agreement cover around 300km of road, just under 8% of the overall Council road network.
- 5.12 In addition, *last season, 32 of these farmers were available to be employed in severe conditions to undertake snow clearing of additional lengths of road. These farmers are called on for Orange Alerts and provide a much appreciated and important service. Officers are in the process of checking insurances and licenses for those farmers interested in participating this winter.*
- 5.13 There is a national desire to move people away from cars to other forms of active travel such as buses, bicycles, and walking. The Council's approach and programme to achieve this will impact on winter service delivery as different types and numbers of vehicles/drivers will be required. The approach will also likely be different across urban and rural locations. Consideration of requirements and funding implications for winter service should be included by designers when developing these active travel plans.

## **6. CONCLUSION**

- 6.1 Based on previous successful service delivery, it is concluded that the winter maintenance service should be delivered as outlined in this report.
- 6.2 The Executive Director (Communities) is authorised to make arrangements out with the policy and level of service in exceptional conditions such as snow and flooding emergencies
- 6.3 The winter maintenance budget, (£4.128m) is also used to fund other weather-related emergencies, such as works to mitigate immediate risk of flooding to properties/roads and wind damage, directly affecting free movement across the network.

**Author**

| <b>Name</b>  | <b>Designation</b>                   | <b>Contact Details</b>                                                                               |
|--------------|--------------------------------------|------------------------------------------------------------------------------------------------------|
| Stuart D'All | Road Maintenance Partnership Manager | (01738) 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>    | <b>Designation</b>               | <b>Date</b>     |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Executive Director (Communities) | 23 October 2023 |

**APPENDICES**

- Appendix 1 – Period of Cover
- Appendix 2a – Level of Service & Priority Systems (Carriageways)
- Appendix 2b - Level of Service & Priority Systems (Footways)
- Appendix 3 – Category 1A Carriageway Snow Routes

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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>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 an 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 |
|---------|---------|------------------|-----------------|--------------|
| 2016/17 | £3.617m | £2.148           | £1.223          | £3.371m      |
| 2017/18 | £3.717m | £2.185m          | £2.857m         | £5.042m      |
| 2018/19 | £3.714m | £1.738m          | £1.833m         | £3.571m      |
| 2019/20 | £3.714m | £1.436m          | £2.885m         | £4.321m      |
| 2020/21 | £3.714m | £1.683m          | £3.091m         | £4.774m      |
| 2021/22 | £3.810m | £1.600m          | £2.435m         | £4.035m      |
| 2022/23 | £3.865m | £1.528m          | £3.095m         | £4.623m      |
| Mean    |         |                  |                 | £4.246m      |

- 2.2 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 and will be closely monitored and reported regularly to the Strategic Policy & Resources Committee.

- 2.3 The costs of providing a winter service is split into two distinct areas:
- Standing Charges – these are the costs involved in having specialised plant, depots, hired plant and standby personnel etc in place to provide the service. These 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.
- 2.4 As detailed in the table in paragraph 2.1 the average outturn cost over the past seven years is £4.246M which exceeds the budget figure. Last winter, which is considered to have been a typical winter is the *third highest cost in last 7 years. Four of the last seven years out-turn costs exceed the current budget* and the Council will undoubtedly need to continue to utilise reserve funds to meet the full cost of the Winter Service.
- 2.5 The Council have this year set a budget for £4.128m for winter 2023– 24 and this report is brought it to committee to advise of preparations/arrangements for the winter season. It is recognised that in these *fiscally challenging* times the Council financial position may change requiring a subsequent alteration in the levels of service delivery to match the available budget.
- 2.6 The Council will continue to implement operational and efficiencies savings to mitigate costs but as winter is unpredictable the cost will vary.

### Workforce

- 2.7 The staff and the operatives of Tayside Contracts and the Council Services who provide the service, have demonstrated over the life of the Council, that they have the experience, flexibility, and expertise to effectively tackle the worst of winter weather, although public expectation will exceed the ambitions of what officers can realistically achieve.

## **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 via, 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 As in previous years Elected Members are given the opportunity throughout the winter, and in a presentation in June 2023, to become involved in agreeing the route categories with the Roads Maintenance Partnership. 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 actual level of service.
- 4.4 At the end of the 2022 - 23 winter comments on the winter service provision were invited from Community Councils. *Very few responses were received, due to the typical winter weather not impacting travel.* Those responses that were received were generally complimentary comments.

## **5. Communication**

- 5.1 Communication will take place in due course and the policy and level of service, along with specific detail on gritting routes and times will be made available on the Council website. Ongoing winter action and road conditions will be made available via Council facebook and twitter.

## **2. BACKGROUND PAPERS**

- 2.1 Well Managed Highway Infrastructure 2016
- 2.2 Road (Scotland) Act 1984



**PERIODS OF COVER 2023 - 2024**

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 the previous day.

| Period                               | Standby vehicles available |                  |                  |                  |           |       |                                                                                                                       |
|--------------------------------------|----------------------------|------------------|------------------|------------------|-----------|-------|-----------------------------------------------------------------------------------------------------------------------|
| (All changes take place at 12 noon)  | South                      |                  |                  | North            |           | Total |                                                                                                                       |
|                                      | Perth                      | Kinross          | Crieff           | Blairgowrie      | Aberfeldy |       |                                                                                                                       |
| <b>16 October – 29 October 2023</b>  | 3                          | 1                | 1                | 3                | 3         | 11    | Lead in period – limited vehicles on reduced cover, <i>while aiming to remain as flexible as possible to respond</i>  |
| <b>30 Oct 2023 – 3 March 2024</b>    | 6                          | 2                | 3                | 6                | 5         | 22    | Main standby period – full cover                                                                                      |
| <b>26 Nov 2023 – 25 Feb 2024</b>     | 5 plus 1n/shift            | 1 plus 1 n/shift | 2 plus 1 n/shift | 5 plus 1 n/shift | 5         | 22    | Main standby period – full cover incl. nightshifts                                                                    |
| <b>26 Feb 2024 – 3 March 2024</b>    | 6                          | 2                | 3                | 6                | 5         | 22    | Main standby period – full cover                                                                                      |
| <b>4 March 2024 – 24 March 2024</b>  | 3                          | 1                | 1                | 3                | 3         | 11    | Lead out period - limited vehicles on reduced cover, <i>while aiming to remain as flexible as possible to respond</i> |
| <b>25 March 2024 – 14 April 2024</b> | 0                          | 1                | 1                | 1                | 1         | 4     | Required roads treated                                                                                                |

During all periods the road condition weather forecast is monitored and daily action plan devised.

During lead in/lead out periods it is not possible to treat all parts of the network and so available resources will be deployed to best effect in relation to weather conditions being experienced.



**WINTER MAINTENANCE- LEVEL OF SERVICE & PRIORITY SYSTEMS 2023 – 2024  
(CARRIAGEWAYS)**

| Category          | Definition                                                                                                                                                                                                                                                                                                              | Routes (examples)                                                                                                                                                                  | Length (km)<br>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. The A93 South of Blairgowrie, the A94 between Meigle and Perth and the A923 between Blairgowrie and Tullybaccart. Kinross area A class road and Crieff / Auchterarder areas A class roads.                    | A class roads network and early morning bus routes in the Perth area Important road links in Kinross, Crieff, Blairgowrie and Highland Perthshire areas                            | 320 estimate                   | Commence Friday night 23:30 - 08:00 through December, January and February. As per category 1a route cover times outwith this period               | In ice and snow conditions or <u>pre-salted</u> when ice or snow is forecast and roads are not dry.                                                                                        |
| 1a                | 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<br>A822 Crieff – Greenloaning<br>A924 through Pitlochry                                                                         | 220                            | 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                | 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<br>A923 Blairgowrie - Dunkeld<br>A827 Aberfeldy - Killin<br>A822 Crieff - Dunkeld<br>A823 (part), A824 (part), A912<br>B996,<br>B9097, B9099, B996 etc. | 370 estimate                   | 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                 | More 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><b>Excluding public holidays</b>                                                                                     | 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                                                                                                                                     | <b>Not normally treated</b> 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. 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 Balgie – A827 at Loch Tay.                                                                                                | 8<br><br>14                    | Not treated                                                                                                                                        | Not treated.                                                                                                                                                                               |

Service Bus routes have been included as far as practicable with available resources in categories 1a , 1b & 2 to ensure their comprehensive coverage.

Coverage through to 21:00 not always possible due to operational driver hours requiring to be contained within a 11 hour statutory maximum





## Appendix 2b

**WINTER MAINTENANCE - LEVEL OF SERVICE & PRIORITY SYSTEMS 2023– 2024 (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        | 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, Dunked, Luncarty, Milnathort and Scone.                                                    | N/A         | 0630-1500 Mon-Sat 0800-1500 Sun and nationally recognised public holidays | In snow and ice conditions | 1 hour                                                     | N/A                                      | 6 hours                                    |
| 2        | As above plus Other footways with significant usage.                                                                                   | As above plus Abernethy, Aberuthven, Almondbank, Balbeggie, Bankfoot, Blackford, Braco, Burrelton, Caputh, Comrie, Glencarse, Glenfarg, Inchtute, 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                                        |

**WINTER MAINTENANCE - LEVEL OF SERVICE & PRIORITY SYSTEMS 2023 – 2024 (FOOTWAYS)**

| Category | Descriptions                                                                                                                                                                  | Examples | Length (km) | Hours of Cover              | Service Provided                                                                                                                                          | Response Time | Target Treatment Times (Priority Routes) | Target Post Gritting / Snow Clearance Time |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------|--------------------------------------------|
| 3        | 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, which are not considered to be important in the footway network, or have a suitable alternative route treated |          | 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. Officers will rotate the order of settlements treated by a single resource to ensure fair coverage and in prolonged severe conditions may deviate from retreating category 1 routes when considered safe and where a wider community benefit can be achieved by doing so.

There will be no footway treatment on either 25<sup>th</sup> December or 1<sup>st</sup> January.

Footway cover is only provided out of normal hours during the main winter period. During lead in/lead out periods it is not possible to treat any footway out of hours and so available resources will be deployed during the working day to best effect in relation to weather conditions being experienced.

## CATEGORY 1A CARRIAGEWAY SNOW ROUTES FOR PERIODS OF SEVERE WEATHER

| 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  | Blairgowrie to Angus Boundary near Lundie         |
| A924  | Through centre of Pitlochry                       |
| A926  | Blairgowrie to Angus Boundary near Craigton       |
| A93   | From A94 junction in Perth to Blairgowrie         |
| A94   | Perth Bridge to Angus Boundary near Meigle        |
| A977  | Kinross to Blairingone                            |
| B954  | Alyth to Angus Boundary near Newtyle              |
| B996  | Kinross to Fife Boundary                          |

The following roads in Perth City - A93 Glasgow Road - Broxden to Caledonian Road 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 A85 Crieff Road - Dunkeld Road to Newhouse Road Roundabout. A912 Dunkeld Road - Crieff Road to Inveralmond Roundabout A989 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

### Environment, Infrastructure and Economic Development Committee

1 November 2023

#### PERTH MUSEUM: KEY MILESTONES TO OPENING & OPENING PROGRAMME

##### Head of Culture & Communities Services

(Report No. 23/292)

### 1. PURPOSE

- 1.1 This report briefs the Committee on preparations for the opening of Perth Museum at the end of March 2024. It gives an overview of key workstreams including the opening programme, key expenditure and governance arrangements in place from now until the Museum is fully complete.

### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- notes progress towards the opening of Perth Museum and the revised governance arrangements in place for this final phase
  - asks officers to bring an update in autumn 2024 on the economic, community and tourism impact of the opening programme.

### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background
  - Section 5: Summary of key workstreams and governance arrangements
  - Section 7: Conclusion

### 4. BACKGROUND

- 4.1 In June 2016, the Council approved capital expenditure to the Perth Cultural Transformation Programme following detailed appraisal of the visitor market for Perth. This money was for a variety of projects which aimed to strengthen the cultural tourism offer in Perth. £20M was allocated towards a new cultural attraction capable of bringing an additional 100,000+ visitors annually to the city and a bid for the Stone of Destiny, also known as the Stone of Scone, to move to Perth, close to its place of origin. A site options appraisal recommended the former Perth City Hall for redevelopment to become this new attraction. Perth Museum is 3,200 square metres of which 500sqm are dedicated to temporary displays enabling major loan exhibitions to tour to Perth. Tay Cities Growth Deal funding of £10M was secured for the Perth

Museum project in November 2018. In December 2020, the First Minister confirmed to the Scottish Parliament that the Stone of Destiny would move to Perth for display in the new Museum.

- 4.2 Construction of Perth Museum started in March 2021 and concluded in August 2023 with progress reported via regular capital monitoring reports to Finance and Resources Committee. The construction phase was delivered on time and to the total approved budget of £27.2M. The focus is now on completing internal fit-out, visitor marketing and promotion, and planning/delivering the opening programme.
- 4.3 Expenditure for these workstreams is being met through the additional £0.5M annual revenue approved by the Council in February 2017 for development and operating costs relating to Perth Museum. In addition, £130,000 of funding was secured from Creative Scotland, which is ringfenced for public programme costs. Key expenditure headings are as follows:
- operational fit-out and related costs including facilities management staff
  - collections management, conservation costs
  - exhibition and interpretation costs, including cost of loans, transport, insurance and development of interpretation content
  - marketing and promotion costs
  - opening programme costs including artist/producer fees
- 4.4 Tay Cities Deal capital expenditure is monitored and reported through the TCD Programme Management Office. It is also reported to the TCD Joint Committee.

## **5. SUMMARY OF KEY WORKSTREAMS**

### ***Building commissioning/fit out***

- 5.1 The interpretation theme of the Museum is 'Ancient Roots' and how Perth as the original capital of Scotland shaped its early story as a new nation, with the Stone of Destiny as central to ideas of both Scottish and British national identity. Subsequent displays, several of which have been co-produced with our communities, tell later historical stories including the impact of the Jacobite Risings and the Clearances in Perth and Kinross, the rise of local industry and the development of Highland tourism. The displays also explore Perthshire Gaelic culture, the impact of slavery and colonialism on how we interpret our heritage today, and other key issues.
- 5.2 Installation of museum displays is underway led by Culture Perth and Kinross, the Council's delivery partner which will operate Perth Museum. The Perth and Kinross Council Museum collections, which have National Recognition Status, are central to the displays, some of which are being shown for the first time in many years. Significant conservation and research have been carried out to support this.

- 5.3 The Museum café operator is currently being procured through the public procurement process with the successful operator expected to be confirmed by the end of 2023 and on site by early 2024. The café fit-out is complete.

### **Marketing and promotion**

- 5.4 The Perth Museum branding, developed by Scottish company Tangent, was soft launched in May 2023 together with the new Perth Museum website. Further content was added to the website in late August. ([www.perthmuseum.co.uk](http://www.perthmuseum.co.uk)) The branding appeared on street advertising from July 2023 to September 2023 across Perth City Centre.
- 5.5 Posters are being used to promote the Museum across Council and Culture Perth and Kinross venues. Paid advertising spaces in Visit Scotland centres in Pitlochry and Perth is also being used.
- 5.6 Promotion of the museum and brand has also appeared in Scotland Magazine, (readership 100,000 UK wide, 12-month coverage) alongside an article on the Stone and Museum.
- 5.7 Adverts for the museum have also been placed at Real Time Passenger Information boards (bus stops). The Customer Information Point at Perth Railway Station, at the entrance to the railway platforms, now includes information on the Museum which will be updated regularly.
- 5.8 Teams within Perth and Kinross Council have been working together and with professional artists to make Perth city centre look more appealing and to promote the new museum by undertaking different window dressings which advertise elements of Perth Museum and help prevent fly posting in empty shops. We are working with letting agents to remove the 'To Let' signs on the high street and replace them with QR codes which will give potential retailers the relevant information.

### **Brand Visibility**

- 5.9 External banners were installed to the exterior of Perth Museum in October.
- 5.10 Conversations are ongoing to create advertising at Clear Channel advertising sites (local digital sites) as well as sites managed by Global Media (for pre-launch and post-launch, including billboards in and around Perth and Dundee, central belt and Scotrail in carriage sites).
- 5.11 Visitor market promotion with the travel trade has been underway since January.
- 5.12 Culture Perth and Kinross and Perth and Kinross Council have been jointly leading on the travel trade development, attending national events to promote the city and the museum, presenting at events for trade and developing rate sheets and product information.



- 5.13 Staff have attended six events in 2023 with seven more planned this year and a further four scheduled for 2024 so far. So far, three tour operators have confirmed that Perth Museum will be on their schedules for next year. This is a positive sign, as often companies will want to experience the whole offer before they decide to include it on a schedule.
- 5.14 Familiarisation trips are a key part of the travel trade development and involve key personnel from travel organisations coming to the area to experience the product. To date, two have been hosted so far and have two more scheduled for 2023. More are expected in 2024 when visitors can go into the completed museum.
- 5.15 The Council is also in the process of reapplying for Coach Friendly status, first achieved in 2015.
- 5.16 Tickets for admission to the Stone of Destiny display (which is free but ticketed for capacity reasons) and the opening temporary exhibition will be available from January 2024. This will be via the Perthshire Box Office online portal operated by Perth Theatre and Concert Hall, with Culture Perth and Kinross and other local cultural organisations as partners.

### **Opening programme**

- 5.17 The opening programme for Perth Museum is currently scheduled for 29-31 March, which is the Spring Bank Holiday weekend. Discussions are ongoing with key project stakeholders including the UK and Scottish Government and others on detailed timing and content of the formal and ceremonial aspects. More details on these will be announced in due course. The title of the opening exhibition will be announced in January 2024. The opening programme will include specially commissioned theatre and dance, a family programme and local talent showcases. Familiarisation visits for local hospitality providers and previews for community groups involved in the Museum development will take place in the week prior to opening. Outreach and school engagement programmes have been underway since spring 2023.
- 5.18 Impact of the opening programme will be measured in terms of Museum and wider city centre footfall, Museum visitor spend and wider estimated Gross Value Added (GVA). Culture Perth and Kinross has developed evaluation tools for the Museum experience covering visitor facilities (catering, retail, customer welcome etc) and learning/engagement activities. These are in line with existing tools in use by CPK across its venues and services. CPK will employ external support to ensure robust evaluation is completed.

## Governance

- 5.19 Delivery of the museum project is managed by a senior officer group drawn from the Council and Culture Perth and Kinross and reporting through the Senior Responsible Owner (SRO) to the Perth Museum Project Board, chaired by the Leader of the Council. It includes officers from Regulatory Services for the events planning/public safety aspects of the opening, and economic development for the visitor tourism marketing and promotion aspects.
- 5.20 The Project Board will meet in mid-November 2023, February 2024 and May 2024 to oversee project completion. The Board will also receive recommendations from the SRO on post-project evaluation including achievement of visitor targets and the economic, community and tourism impact of the opening weekend. It is recommended that this is brought to this Committee in autumn 2024.
- 5.21 Arrangements for the move of the Stone of Destiny/Stone of Scone are being made in liaison with Historic Environment Scotland, which oversees care and conservation matters, and the Secretary to the Commissioners for the Safeguarding of the Regalia, who advise His Majesty the King on all matters relating to the Stone.

## 6. CONCLUSION

- 6.1 The Perth Museum project is approaching completion on time for the planned public opening at the end of March 2024. A number of workstreams are in place for this final stage of work with appropriate governance, monitoring and reporting arrangements in place.

### Author

| Name            | Designation                            | Contact Details                                                                                      |
|-----------------|----------------------------------------|------------------------------------------------------------------------------------------------------|
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### Approved

| Name           | Designation                      | Date            |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Executive Director (Communities) | 23 October 2023 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Local Outcomes Improvement Plan                     | <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>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>None</b>       |
| External                                            | <b>None</b>       |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>Yes</b>        |

### 1. *Strategic Implications*

#### Local Outcomes Improvement Plan

1.1 The work of the Kinross-shire Local Committee impacts on the following aspects of the Local Outcomes Improvement Plan

- (i) Poverty and cost of living
- (ii) Mental and physical wellbeing
- (iii) Digital participation
- (iv) Skills, learning and development
- (v) Employability

#### Corporate Plan

1.2 Perth Museum impacts on the following priorities within the Council's Corporate Plan:

- (iii) Promoting a prosperous, inclusive and sustainable economy;

## 2. Resource Implications

### Financial

2.1 There are financial implications to this report set out in para 4.3.

### Workforce

2.2 There are no workforce implications to this report.

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

2.3 A lease for Perth Museum is being prepared with appropriate consultation factored in as the former Perth City Hall is a Common Good property.

## 3. Assessments

3.1 The report has 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

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

3.3 The report has been considered under the Act and, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

### Sustainability

3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the 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.

- 3.5 The report does not contain any proposals that will impact on the Council's Principles for Sustainable Development.

Legal and Governance

- 3.6 None.

Risk

- 3.7 A risk profile for the opening programme is being prepared by the Perth Museum Senior Officer Group.

**4. Consultation**

Internal

- 4.1 Communities SMT, the Corporate Communications Manager and the Regulatory Services Manager have been consulted in the preparation of this report.

External

- 4.2 The Chief Executive of Culture Perth and Kinross has been consulted in the preparation of this report.

**5. Communication**

- 5.1 A Communications Plan is in place for Perth Museum, overseen by the Senior Officer Group.

**2. BACKGROUND PAPERS**

- 2.1 No background papers were relied on in preparing this report.

**PERTH AND KINROSS COUNCIL**

**Environment Infrastructure and Economic Development Committee**

**1 November 2023**

**PERTH AND KINROSS OUTDOOR ACCESS FORUM  
ANNUAL REPORT 2022-23**

**Report by Head of Environmental & Consumer Services**  
(Report No. 23/293)

**1. PURPOSE**

- 1.1 This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum over the last year and makes recommendations in terms of appointments moving forward.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the Committee:
- confirms the re-appointment of three existing members for a period of four years
  - notes that the remaining members are retained in their appointments for at least a further year as set out in Appendix 1
  - delegates to the Executive Director (Communities) the fulfilment of any casual vacancy arising in this period through recruitment by Forum members, as detailed within the Forum's Terms of Reference
  - notes the activities and progress of the Perth and Kinross Outdoor Access Forum from September 2022, along with the ongoing commitment to maximise effective partnership working to make the best of the exceptional landscapes, paths networks and access rights for all within Perth & Kinross.

**3. STRUCTURE OF REPORT**

- 3.1 This report is structured over the following sections:
- Section 4: Background
  - Section 5: Proposals
  - Section 6: Conclusion
  - Appendices

**4. BACKGROUND / MAIN ISSUES**

- 4.1 This report follows on from the previous report (Report No. 22/226 refers) to the Environment and Infrastructure Committee on 21 September 2022.

- 4.2 Part 1 of the Land Reform (Scotland) Act 2003 requires local authorities to set up at least one local Access Forum and to appoint members to it. The Act states that the functions of a Forum are to advise the local authority and any other person or body consulting the forum on matters having to do with:
- the exercise of access rights
  - the existence and delineation of rights of way
  - the drawing up and adoption of a plan for a system of core paths.
  - the offer of assistance in disputes about access rights etc.
- 4.3 In their statutory role as advisors to the Council, the Forum act as a “critical friend” on public access matters. As such, there are occasionally issues the Council may not be able to agree with the Forum on or fully meet their expectations.
- 4.4 The Perth and Kinross Outdoor Access Forum (the Forum) has capacity for sixteen members. Twelve members are voluntary and represent the interests of landowners/managers, the community and recreation equally. These members are elected at an open meeting and their appointments confirmed by the Environment, Infrastructure and Economic Development Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by the Committee. The list of members and prospective members is shown in Appendix 1.
- 4.5 At its meeting on 24 November 2022, Nick Cole was re-elected in the role of convenor. Four ordinary meetings took place, and the Exemptions and Obstructions Subgroup met on four occasions to assist officers to prioritise and resolve obstructions to public access.
- 4.6 Two workshops were undertaken as follows:
- Obstructions Criteria – new provisional points-based system for prioritising obstructions to access agreed and in use, subject to review
  - Development Management and path diversions – see point 4.12 below.
- 4.7 The Annual General Meeting (AGM) was held on 27 April 2023 at the North Inch Community Campus and online. In each group category, members stood down to vacate seats for the election but were re-elected to their positions. These new appointments are subject to the approval of the Environment, Infrastructure and Economic Development Committee:
- In the **Recreation Group**, Anne Macintyre was re-elected.
  - In the **Communities Group**, Jennifer Herd was re-elected.
  - In the **Land Manager’s Group**, Sandy Simpson was re-elected.
  - Also in terms of the **Agencies and Other Bodies**, there is no change with Councillor John Duff continuing in his role.
- 4.8 The Forum will fill any casual vacancies which may arise as per their [Terms of Reference](#).

- 4.9 A prospective new member was approached to fill the vacancy in the land manager group, but unfortunately this did not come to fruition and the post remains vacant.
- 4.10 The Forum's objection to the core path diversion orders required for the Cross Tay Link Road (CTLR) was considered at the Hearing in April 2022, as noted in report 22/226. However, on the advice of the Reporter, the Scottish Government confirmed the diversion orders without modification in September 2022.
- 4.11 In 2021, the Forum established a subgroup to respond to consultations on forestry proposals. New forestry, associated deer fencing and timber operations can have significant impacts on public access. During 2022-23, the Forum have responded to several such consultations. Given the short timescales required, the Forum agreed Terms of Reference with the subgroup to give them delegated powers to respond on behalf of the Forum.
- 4.12 There have been some ongoing concerns about the nature and volume of some of the engagement between the Forum and Council and a proactive approach to this has been taken. A workshop between members of the Forum and officers from the Council's Planning and Legal services took place in September 2023, hosted by Community Greenspace. This was very useful in building a better understanding of the roles, processes, capacity and the people involved for dealing with access issues. This will be followed up with a protocol which will cover the key activities and communication between the Council and Forum.
- 4.13 In relation to the draft protocol, discussions have also been held with the Forum about the level of support provided by the Council for the Forum. Whilst the Council have a duty to establish a local Access Forum as set out in para 4.2 above, there is no statutory requirement to organise their meetings or provide administrative support. The Council have supported the Forum since its inception in 2004. However, the resources available to do this have declined significantly, most notably the withdrawal of corporate meeting and administrative support in 2012. Since then, officers from the Community Greenspace service have tried to fill the gap but there has also been a reduction in resources available for access activities.
- 4.14 Given that the Council's primary responsibility is to focus available staff resources on upholding access rights and the technical expertise required for that, discussions have been held with the Forum. This is to establish how best to use both the limited Council officer time available and where to target limited financial resources. Council Officers have drafted a suggested protocol which has been shared with the Forum. Further negotiations are required to agree a sustainable basis for the Forum and Council going forward. The protocol, which covers areas such as provision of meeting venues, administrative support for these meetings, mileage and out of pocket expenses such as printing, will be helpful in that regard.



## 5. PROPOSALS

- 5.1 It is proposed that the appointments of existing members are confirmed as members of the Forum (Appendix 1) and that any casual vacancy arising is filled by the Forum as detailed in its Terms of Reference.
- 5.2 It is also proposed to continue to seek ways to work with the Forum to maximise the effective use of our collective resources. This is to make the best of the exceptional landscapes, paths networks and access rights for all within Perth & Kinross.

## 6. CONCLUSION

- 6.1 The Council's Community Greenspace team manages the statutory functions in relation to the Land Reform (Scotland) Act 2003 and values the partnership relationship with the Forum and the advice it has to offer. There is a wide range of activities undertaken in relation to the management of core paths and access rights more generally. Opportunities to involve the Forum in these, with their agreement, will continue to be sought.

### Author

| Name        | Designation                                | Contact Details                                  |
|-------------|--------------------------------------------|--------------------------------------------------|
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### Approved

| Name           | Designation                      | Date            |
|----------------|----------------------------------|-----------------|
| Barbara Renton | Chief Executive<br>(Communities) | 23 October 2023 |

## APPENDICES

- Appendix 1 – Candidates for Reappointment to the Forum

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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>No</b>         |
| Workforce                                           | <b>No</b>         |
| Asset Management (land, property, IST)              | <b>No</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>No</b>         |
| Risk                                                | <b>No</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 proposals in this report align primarily with the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 The proposals in this report align primarily with the achievement of the following Council Corporate Plan Priorities:

- (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 resource implications arising directly from the recommendations in this report.

### Workforce

- 2.2 There are no workforce implications arising directly from the recommendations in this report.

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

- 2.3 There are no direct asset management issues with this report although the Forum is a key organisation in assisting the Council with the management of Core Paths and Rights of Way networks.
- 2.4 There are no information technology implications arising from this report.

## **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. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#). 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

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

- 3.3 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.

- 3.4 There are no direct impacts on sustainable development as a result of these proposals but securing the public access to the great outdoors contributes to the economic, social and environmental well-being of the area.

#### Legal and Governance

- 3.5 There are no legal implications from this report.

#### Risk

- 3.6 There are no risks arising from this report as the subject matter and procedures referred to are well established and on-going.

### **4. Consultation**

#### Internal

- 4.1 The Head of Legal and Governance has been consulted on the content of this report.

#### External

- 4.2 The Perth and Kinross Outdoor Access Forum has been consulted on the proposals and in the preparation of the report.

### **5. Communication**

- 5.1 There are established regular meetings and communications between the Council and Perth and Kinross Outdoor Access Forum.

### **2. BACKGROUND PAPERS**

- 2.1 No background papers have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report.



## APPENDIX 1

**CANDIDATES FOR APPOINTMENT OR REAPPOINTMENT TO THE FORUM**

Members elected 27 April 2023 recommended for immediate re-appointment.

**Recreation Group**

| <b>Name</b>                                                                         | <b>Organisation/ Interest</b>                                                                                             | <b>Geographical knowledge/<br/>home area</b> | <b>Notes/ profession</b>                                                                 |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------|
| Mary Conacher<br>Member since 2004<br>Re-elected 2022                               | Scottish Canoe Association (SCA), Women's Rural Institute, Royal Tay Yacht Club                                           | Highland/Alyth                               | Former SCA Access volunteer/retired watersports instructor                               |
| Karen Inkster<br>Member since 2017<br>Re-elected 2021                               | British Horse Society, Scottish Rights of Way and Access Society (Scotways)                                               | Perth Area                                   | 20 + years in the outdoor industry. Hillwalker, climber, horse rider and mountain biker. |
| John Andrews<br>Member since 2009<br>Re-elected 2021                                | Ramblers, Scotways, Scottish Wildlife Trust, Luncarty Redgorton & Moneydie Community Council, National Trust for Scotland | Perth Area/Luncarty                          | Former member of County Access Liaison Committee – retired.                              |
| Anne Macintyre<br>Co-opted 2019<br>Elected 2023<br><b>(subject to confirmation)</b> | Portmoak Paths Group                                                                                                      | Kinross-shire                                | Broad outdoor interests. Practical involvement through Portmoak Paths Group.             |

## Community Group

| Name                                                                                      | Organisation/ Interest                                                                                           | Geographical Knowledge/<br>home area     | Notes/Profession                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Nick Cole<br>Member since 2004<br>Re-elected 2021                                         | Strathmore and the Glens Rural Partnership. Meigle Community Trust. Next Steps & Stride for Life Walking Groups. | Highland & Lowlands/<br>Meigle           | Electronic Systems Engineer, is now a private consultant & runs an outdoor training business. Involved in local groups inc. BRAN & the Blairgowrie & District Next Steps walking group. He also represents Local Access Forums on the National Access Forum. |
| Jennifer Herd<br>Member since 2015<br>Re-elected 2023<br><b>(subject to confirmation)</b> | Member of British Horse Society, Strathearn Rural + Riders Access Group                                          | Highland and East Perthshire. Perth area | Broad experience particularly in negotiating equestrian access and representing the interests of horse riders. She is also a keen mountain biker and walker.                                                                                                 |
| Joyce Carnegie<br>Elected 2022                                                            | Comrie Millennium Footpath Association                                                                           | Strathearn                               | Wide range of community interests inc SWI. Farming background                                                                                                                                                                                                |
| Sarah Walker<br>Co-opted 2021                                                             | Kinglands Hall, Soroptimist International, Cornhill MacMillan, British Horse Society & ByCycle                   | Perth area                               | 25 years local knowledge through work with a variety of voluntary organisations.                                                                                                                                                                             |

## Landowner/Manager Group

| Name                                                                                      | Organisation/ Interest                                                                          | Geographical Knowledge/<br>home area | Notes/Profession                                                                |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------|
| Councillor Hugh Anderson<br>Member since 2004<br>Re-elected 2022                          | Scottish Rights of Way & Access Society.                                                        | Perth & Surrounding area/Scone       | Land & River Management. Retired Estate Factor. Newly elected Councillor (2022) |
| Sandy Simpson<br>Member since 2005<br>Re-elected 2023<br><b>(subject to confirmation)</b> | Royal Highland Educational Trust, Rural Services Scotland, Perth and Kinross Agricultural Forum | Perth Area                           | Farm Manager<br>Interested in all environmental issues.                         |
| Mark Thomson<br>Elected 2022                                                              | National Farmer's Union, Scotland (former chair West Fife & Kinross)                            | Kinross                              | Farmer<br>Woodland, arable & livestock                                          |
| Vacant                                                                                    |                                                                                                 |                                      |                                                                                 |



## Agencies & Other Bodies

These members are not elected but have been invited to sit on the Forum by the Council.

| <b>Member</b>                          | <b>Represents</b>                                | <b>Job Title</b>                    | <b>Office Base/other interests</b>                                                                         |
|----------------------------------------|--------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------|
| Councillor John Duff<br>Appointed 2022 | Perth & Kinross Council                          | Councillor Ward 4<br>Highland       | Ward Councillor. Leader of the<br>opposition. Retired Police<br>Superintendent.                            |
| Mike Strachan<br>Member since 2007     | Scottish Forestry                                | Operations &<br>Development Officer | Scottish Forestry, Upper Battleby.<br>Extensive forestry experience and<br>involvement in Big Tree Country |
| Keith Robertson<br>Member since 2021   | Centre for Inclusive Living Perth and<br>Kinross | Member                              | Auchterarder. Extensive experience<br>of inclusive access design                                           |
| Vacant                                 |                                                  |                                     |                                                                                                            |