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Council Building
2 High Street
Perth
PH1 5PH

13/09/2023

A hybrid meeting of the **Environment, Infrastructure and Economic Development Committee** will be held in **the Council Chamber** on **Wednesday, 20 September 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)
Bailie Mike Williamson (Vice-Convener)
Councillor Keith Allan
Bailie Alasdair Bailey
Councillor Steven Carr
Councillor John Duff
Councillor Angus Forbes
Councillor Ken Harvey
Councillor Noah Khogali
Bailie Claire McLaren
Councillor Willie Robertson
Councillor Frank Smith
Councillor Colin Stewart
Councillor Richard Watters
Councillor Jack Welch

Environment, Infrastructure and Economic Development Committee

Wednesday, 20 September 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 31 MAY 2023 FOR APPROVAL** **5 - 10**
(copy herewith)
- 4 OUTSTANDING BUSINESS STATEMENT (OBS)** **11 - 12**
(copy herewith 23/256)
- 5 ROAD SAFETY PROJECT ASSESSMENT CRITERIA** **13 - 24**
Report by Head of Environmental & Consumer Services (copy herewith 23/257)
- 6 PROPOSED 30MPH SPEED LIMITS** **25 - 50**
Report by Head of Environmental & Consumer Services (copy herewith 23/258)
- 7 DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE UPDATES** **51 - 118**
Report by Head of Planning & Development (copy herewith 23/259)

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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 31 May 2023 at 9.30am.

Present: Bailies A Bailey, C McLaren and M Williamson, Councillors K Allan, S Carr, D Cuthbert (substituting for Councillor W Robertson), J Duff, A Forbes, K Harvey, N Khogali, G Laing (substituting for Councillor R Watters), A Parrott, F Smith, C Stewart, and J Welch.

In Attendance: B Renton, Executive Director (Communities) (from Item 7 onwards), D Littlejohn (Head of Planning and Development); M Butterworth (Head of Environmental and Consumer Services); B Cargill, D McKeown, B Watt, J McCrone, L Sumner, B Wilson, S Durning, S Coyle and K Walker (all Communities); A Taylor, M Pasternak, and R Ramsay (all Corporate and Democratic Services).

Apologies for Absence: W Robertson and R Watters.

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 29 MARCH 2023

The minute of the meeting of the Environment, Infrastructure and Economic Development Committee of 29 March 2023 was submitted and approved as a correct record.

4. OUTSTANDING BUSINESS STATEMENT

Resolved:

The Outstanding Business Statement be noted and updated accordingly.

5. DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE UPDATES

There was submitted a report by Head of Planning and Development (23/170) presenting the proposed updates to the Developer Contributions and Affordable Housing Supplementary Guidance (2020).

Resolved:

- (i) It be noted that the paper was discussed at and supported by the Affordable Housing Member Officer Working Group at their recent meeting.
- (ii) The recommended updates to the Developer Contributions and Affordable Housing Supplementary Guidance to initiate a period of public consultation in June 2023; be approved.
- (iii) A report be brought back to this Committee on the outcomes of proposed public consultation, with any further changes to the Supplementary Guidance, prior to submission to Scottish Ministers for adoption, be agreed.

6. COMMUNITIES SERVICE ANNUAL PERFORMANCE REPORT 2022/23

There was submitted a report by the Executive Director (Communities) (23/168) presenting the Service Annual Performance Report 2022/23 for Communities and detailing progress against targets and improvement actions over the last year against the 2022/23 Service Business Management Improvement Plan.

Resolved:

The Communities Service Annual Performance Report 2022/23, as detailed in Appendix 1 to Report 23/168, specifically the areas which fall within the remit of the Environment, Infrastructure and Economic Development Committee, be approved.

7. SHORT-TERM LET CONTROL AREA: PROPOSALS FOR CONSULTATION

There was submitted a report by Head of Planning and Development (23/171) seeking approval of (1) to consult on the principle of introducing a short-term let control area for Highland Perthshire and part of Eastern Perthshire, and (2) of the consultative draft non-statutory guidance on how planning applications for short term lets will be assessed in Perth and Kinross.

Motion (Councillor A Parrott and Bailie M Williamson)

- (i) **The short term lets evidence paper as detailed in Appendix 1 of Report 23/171, be noted.**
- (ii) **The public consultation on the principle of a short-term let control area for Highland Perthshire and part of Eastern Perthshire, be approved.**
- (iii) **The public consultation on proposed non-statutory planning guidance on short-term lets as detailed in Appendix 2 or Report 23/171, be approved.**

Amendment (Councillors A Forbes and D Cuthbert)

This Committee acknowledges that there is a shortage of affordable housing in Perth and Kinross, particularly in the Greater Perth Housing Market Area and in rural areas and that the Council should seek to maximise the number of affordable

houses within the local authority area. However, the data contained within the Committee Report on Short Term Let Control Zones is not sufficiently robust enough at this time to evidence to the satisfaction of members that a Control Zone is necessary or will have the desired effect in respect of increasing the availability of affordable homes. On the contrary, a Control Zone may be detrimental to local economies which are dependent on the tourist trade and result in an increase in empty second homes. Therefore, there is a need to establish clearer evidence of the situation prior to making such a decision.

Accurate data in relation to the number, type and location of short term let accommodation within Perth and Kinross will be available for analysis following the closing date for existing short term let businesses to register for a Short Term Let Licence (1 October 2023). After this date, the available data could be used to accurately establish the correct number, type and location of short term let properties within Perth and Kinross and better inform members of the exact situation before deciding if and where Control Zones are required.

Members would also like to see further details on the effectiveness of the Control Zone in operation in the Highland Council area of Badenoch and Strathspey prior to making a decision.

This Committee therefore proposes:

1. That further analysis of the data on short term let properties is carried out once the registration of existing properties is complete on 1 October 2023.
2. That officers liaise with their counterparts in Badenoch and Strathspey to establish the impact of a Control Zone on a rural location and the lessons to be learned from the experience.
3. That the Administration takes full advantage of the opportunities to build or buy back affordable housing and ensures that use of its existing council housing stock is maximised.
4. That an updated paper utilising the improved data on short term lets within Perth and Kinross is brought back to this Committee in 9 months' time. The paper when it returns should contain the proposed questions which will form the consultation.

In terms of Standing Order 21.1 a roll call vote was taken.

8 Members voted for the Motion as follows:

Bailies A Bailey, C McLaren and M Williamson, Councillors S Carr, K Harvey, G Laing, A Parrott and J Welch

7 Members voted for the Amendment as follows:

Councillors K Allan, D Cuthbert, J Duff, A Forbes, N Khogali, F Smith and C Stewart

Resolved:

In accordance with the Motion.

THERE FOLLOWED A SHORT RECESS AND THE MEETING RECONVENED AT 12.05

8. PERTH CITY OF LIGHT ACTION PLAN UPDATE 2023

There was submitted a report by Head of Planning and Development (23/172) (1) providing an update on the City of Light Action Plan; (2) reviewing the outputs and outcome of the work undertaken to date, relative to the original objectives; and (3) outlining works which have not yet been committed within the Framework Contract linked to the current pause on spend on the Lighting Strategy capital programme.

Motion (Councillor A Parrott and Bailie M Williamson)

- (i) The contents of Report 23/172 and appendices which provide information on the background to the City of Light Action Plan, outputs and outcomes achieved, be noted.**
- (ii) The remaining proposed lighting at St John's Kirk, City Gateways, Perth Vennels and required maintenance costs which have yet to be committed, be noted.**
- (iii) The remaining proposed projects be considered with any decision on future spend being referred to the Finance and Resources Committee.**

Amendment (Councillors C Stewart and D Cuthbert)

That this Committee cancels the remaining monies to be used for the remaining proposed projects in the lighting programme.

THERE FOLLOWED A 5 MINUTE RECESS AND THE MEETING RECONVENED AT 12.42PM.

In terms of Standing Order 21.1 a roll call vote was taken.

12 Members voted for the Motion as follows:

Baillies McLaren and M Williamson, Councillors K Allan, S Carr, J Duff, A Forbes, K Harvey, N Khogali, G Laing, A Parrott, F Smith and J Welch.

3 Members voted for the Amendment as follows:

Bailie A Bailey, Councillors D Cuthbert and C Stewart

Resolved:

In accordance with the Motion.

9. PROPOSED 20MPH SPEED LIMITS

Three was submitted a report by Head of Environmental and Consumer Services (23/173) (1) summarising objections received on the proposed 20mph speed limits for various towns and villages across the Perth and Kinross Council area, and (2) recommending Committee set aside the objections and that the Order be made as advertised.

Resolved:

- (i) The objections received, as detailed in Appendix 2 of Report 23/172, be set aside.
- (ii) The Orders to introduce the new 20mph Speed Limits as advertised, be approved.

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**ENVIRONMENT, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT COMMITTEE**

**OUTSTANDING BUSINESS STATEMENT (OBS)**

(23/256)

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> |
|-----------|-------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|------------------------|
| 11.       | 31 May 2023<br>Item 6   | Communities Service Annual Performance Report 2022/23 | Provide details on customer satisfaction rates with Libraries and whether the rate can be sustained or improved upon. | Email provided detailing 95% satisfaction rate which is above the Scottish average, with satisfaction levels generally being around this mark for the last 10 years.                                                                                                               | Fiona Robertson              | <b>COMPLETE</b>              | 20 September 2023      |
| 12.       | 31 May 2023<br>Item 6   | Communities Service Annual Performance Report 2022/23 | Provide details on the 2022/23 target for in-person and online use of libraries.                                      | Email provided advising of slight error in relevant section of the APR (Page 15). The target for in-person and online use was 1,035,000 and actual was 1,280,912. Target for 2023/24 taking 22/23 performance into account is 1,400,000. Report was amended to reflect this error. | Fiona Roberson               | <b>COMPLETE</b>              | 20 September 2023      |



## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

20 September 2023

#### ROAD SAFETY PROJECT ASSESSMENT CRITERIA

##### Report by Head of Environmental & Consumer Services

(Report No. 23/257)

#### 1. PURPOSE

- 1.1 The purpose of this report is to advise members of a proposal to revise the criteria for managing and prioritising potential road safety projects within the Council's Road Safety Database.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- (i) approves 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 at paragraph 4.8 of this report; and
  - (ii) approves the process for all proposals from individuals for new potential projects, as outlined within paragraph 4.10 of this report

#### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/ Main Issues
- Section 5: Conclusion

#### 4. BACKGROUND/MAIN ISSUES

- 4.1 Perth and Kinross Council's road safety projects assessment criteria provides an agreed method for prioritising traffic management and road safety projects. This assessment criteria and the subsequent priority project list was approved by Environment and Infrastructure Committee in March 2019 (Report No. 19/83 refers). As a result, all potential road safety schemes are assessed by the Traffic & Network Team and, if considered appropriate, scored and ranked. This allows them to be assessed against other projects to ensure those schemes that offer the greatest benefit to local communities are delivered first. With each financial year, projects are assigned to the relevant programme of works and budget, then installed as resources permit.

- 4.2 The database, and priority list is authority wide. As such, while one ward may have a larger number of road safety priorities, these are assessed and considered alongside priorities identified across the whole of Perth and Kinross.
- 4.3 Local councils (as the Local Roads Authority) are the main delivery agent of road safety projects. Local roads authorities have a statutory duty under the Road Traffic Act (RTA 1998: Section 39) to keep a record of road traffic collisions, investigate the contributory factors that led to the collisions and to take steps both to reduce and prevent reoccurrence. National government has also set a series of stringent road casualty reduction targets for local authorities to achieve.
- 4.4 As a result, the Council's assessment criteria is weighted towards those sites with a collision and casualty history, in a deliberate effort to reduce both the number and the severity of road traffic collisions on the local road network.
- 4.5 The list of proposed projects is based on a technical assessment of the road usage and road environment. However, one of the key issues is that a number of projects can receive the same score, as the current approved assessment criteria does not take into account community concerns about perceived road safety. As a result, this can make it difficult for officers to establish which projects, with the same score, are the most important for communities.
- 4.6 In Spring 2022, the Traffic & Network Team began meeting with the Ward Councillors on a three-month cycle to review the projects list, discuss progress and identify local priorities. These discussions have proved useful as, at each meeting, progress on the selected projects is reviewed and, if schemes have been completed, new priorities are identified.
- 4.7 Although these ward meetings have been successful in determining local priorities, and will continue in the future, there is an opportunity for further community engagement. For example, Community Councils (where they exist) could also have a direct input into the identification of local priorities. In some wards, the elected members already consult with the Community Councils prior to the ward meetings. In others, on occasion, representatives from the Community Councils have attended the ward meetings to feed directly into the discussions. In at least one ward, a road safety sub-group exists, with a representative from each Community Council, which assist with the projects list. The Kinross-shire Local Committee, which includes a representative from each community council, has the responsibility to determine local roads priorities and a local policy on road safety.
- 4.8 In order to improve the current arrangements, it is recommended that projects for each ward would be shared with the relevant Community Council, on an annual basis, in advance of the new financial year for them to review and feed back to officers. This would help ensure that the relative priority, as assessed by the local community, of all projects is considered, as well as provide the opportunity for low priority schemes to be removed from the list. A scoring system ranging from 1- 5, with 5 being the highest priority is proposed as

shown in Table A below. It is important to note that any input from Community Councils would be for the purposes of differentiating between projects with the same cost/benefit score only. It would **not** be a means by which lower ranked projects could be prioritised over higher ranked projects and the cost benefit ratio will continue to be used to rank road safety project priorities. This additional approach has been added to the current assessment criteria for illustration purposes and is set out at Appendix 1. Where there are no community councils, the current process of only involving elected members will continue.

**Table A – Road Safety Projects Database – extract  
(with “illustrative” community scoring)**

| Ranking | Ward | Budget | Description          | Location                                            | Road No. | Speed Limit | Collision | Casualties | Environment | Alignment | ST Plan | Sus Transport | Total | Cost | BCR  | Community | Status |
|---------|------|--------|----------------------|-----------------------------------------------------|----------|-------------|-----------|------------|-------------|-----------|---------|---------------|-------|------|------|-----------|--------|
| 241     | 11   | TRO    | Waiting restrictions | Goodlyburn Terrace, Perth off Rannoch Road          |          | 30          | 0         | 0          | 2           | 0         | 1       | 2             | 5     | 2    | 2.50 | 5         | G      |
| 241     | 11   | TRO    | Waiting restrictions | Unity Tce between Albany Tce and Unity Cres, Perth  |          | 30          | 0         | 0          | 2           | 0         | 1       | 2             | 5     | 2    | 2.50 | 4         | G      |
| 241     | 11   | TRO    | Waiting restrictions | Strathtay Road, Letham, Perth at rear of properties |          | 30          | 0         | 0          | 2           | 0         | 1       | 2             | 5     | 2    | 2.50 | 3         | G      |
| 241     | 11   | TRO    | Waiting restrictions | Wallace Crescent, Letham at Wallace Court           |          | 30          | 0         | 0          | 3           | 0         | 1       | 1             | 5     | 2    | 2.50 | 2         | G      |
| 241     | 11   | TRO    | Waiting restrictions | Allison Crescent/Hulbert Court, Tulloch, Perth      |          | 30          | 0         | 0          | 2           | 0         | 1       | 2             | 5     | 2    | 2.50 | 1         | G      |

Notes:

*These five projects in Ward 11 have different locations but similar road environments and links to schools. Each scored five points on their site assessment, and each project will cost approximately £2,000 to implement. As a result, they all have the same Benefit/Cost Ratio and the same Ranking.*

*The column on the right (green) shows that all can be delivered within the road boundary, as part of the green/amber/red Status classification. The second column from the right (blue) shows the Community priority that may be decided by the Community Council or, in the absence of a Community Council, by the Ward Councillors.*

*Even if there are more than five projects in a Ward with a similar Ranking, a maximum of five project will be considered so there is a manageable timescale for delivery.*

- 4.9 In addition to the above, another issue that officers experience involves the creation of new potential projects and priorities put forward by individual members of the community. Under the current arrangements, officers are often unaware of the level of community support for the introduction of such measures, or in fact whether there is community support. This situation can lead to projects being added unnecessarily to the current extensive list and create abortive work by officers who commence a project and receive negative feedback at the consultation stage.

4.10 To address this matter, it is recommended that a proposer would contact the Council's Traffic and Network team with a potential scheme. If a proposal from an individual has merit from a road safety perspective, then this will be considered and prioritised by the elected members at the subsequent ward meetings, as part of the regular road safety projects review process.

## 5. CONCLUSIONS

5.1 The quarterly meetings with local elected members to identify community road safety project priorities and drive forward progress work well and should be continued.

5.2 The Road Safety Projects Database should be shared with the relevant Community Councils (where they exist), annually, for them to review and feed back to officers. As set out in paragraph 4.8 above, this addition to the current criteria would be used solely as a means of differentiating between projects with the same technical scoring, to try to establish local priorities.

5.3 A "letter of indicative support" should be introduced as outlined above, to ensure that there is sufficient local support and to avoid abortive work.

### Author

| Name          | Designation         | Contact Details                                                                                    |
|---------------|---------------------|----------------------------------------------------------------------------------------------------|
| Daryl McKeown | Road Safety Officer | 01738 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |

### Approved

| Name           | Designation                         | Date         |
|----------------|-------------------------------------|--------------|
| Barbara Renton | Executive Director<br>(Communities) | 8 March 2023 |

## APPENDIX

- Appendix 1 - Assessment Criteria for Road Safety Requests (As agreed by E&I Committee – 20 March 2019) – with Proposed Amendments (in italics)

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

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

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

- (i) Reducing Poverty
- (ii) Physical and Mental Wellbeing
- (iii) Digital Participation
- (iv) Learning and Development
- (v) Employability

1.2 It is considered that the actions contained within this report primarily contribute to objective ii – Physical and Mental Wellbeing.

#### Corporate Plan

1.3 The Council's Corporate Plan outlines five objectives. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained

in the report make a contribution to all of the five objectives, which are set out below.

- (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**

- 2.1 There are no financial implications from this report. Once schemes have been assessed and ranked according to the assessment criteria and community prioritisation, funding from both the future Capital and Revenue budgets will have to be identified to enable implementation and ongoing maintenance.

### Workforce

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

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

- 2.3 There are no land and property, or information technology implications arising from the contents of this report.

## **3. Assessments**

### Equality Impact Assessment

- 1.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 3.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- Assessed as relevant and the following positive outcomes are expected following implementation:
  - The measures, for example improved crossing facilities, footways and traffic calming features, will provide improved access for communities, and will particularly improve travel opportunities for disabled people with

mobility issues, sight or hearing impairment, children, elderly people & parent/carers walking with children in pushchairs/buggies.

- The measures will provide improvements for road users of all ages, but particularly for children and elderly people. This will include facilities to enable them to cross roads safely.
- The measures will also encourage children to walk or cycle to school, thus bringing health benefits.
- The measures will provide opportunities for increased travel by foot and cycle for all age groups.

### 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 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. 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.

### Legal and Governance

- 3.6 Relevant Traffic Regulation Orders will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance, the Head of Finance and Police Scotland have been consulted in the preparation of this report.
- 4.2 As part of the scheme design, consultation will be carried out with the relevant parties where appropriate, including the local elected members.

## **5. Communication**

- 5.1 For some projects, approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order (TRO). This procedure will

involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.

## **2. BACKGROUND PAPERS**

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

- Report to Enterprise and Infrastructure Committee 20 March 2019 Road Safety Projects Assessment Criteria (19/83).

**Assessment criteria for road safety requests (As agreed by E&I Committee – 20 March 2019) – with Proposed Amendments (*in italics*)**

**Each of the criteria will be assessed using a weighting system with a higher number of points being assigned on the basis of severity or presence of hazards**

### **Collisions**

The Council maintains a database containing all reported road traffic collisions supplied by Police Scotland. All road collision within the curtilage of each site, or within 100m on adjoining roads, during the previous five calendar years will be reviewed. The base-line assessment period will be from 2013 to 2017. After three years, the base-line will be updated and all collision and casualty data reviewed and adjusted accordingly. Each collision is adjusted by severity which is based on the highest category of casualty – 1 point for slight, 3 points for serious and 5 points for fatal. Police Scotland does not provide reports on damage-only incidents. At sites where there is evidence of damage-only, non-injury collisions on the ground, a value of 1 point will be added to the Collision category in the assessment criteria.

### **Casualties**

An assessment factor is included for road casualties based on severity – 1 point will be added to the Casualty category for each person slightly injured, 3 points for each person seriously injured and 5 points for each fatality. Perceived risk is not included in the assessment criteria as it is not quantifiable.

### **Road Environment**

The road environment is based on the activity around the site. Assessment factors are included for both physical layout and land use. Physical layout includes features on the road network such as a junction or bridge, and hazards adjacent to the public road such as a river or rock face. Examples of land use are housing, retail, commercial, industrial and community facilities such as schools or public parks. 1 point will be given to the road environment category for each environmental feature up to a maximum of 4 points. This is to ensure that town centre locations with mixed-use are not over represented.

### **Road Alignment**

Poor road alignment affects visibility splays, stopping sight distance and vehicle speeds. Assessment factors for the road alignment category include 1 point each for poor or limited horizontal and vertical alignment where crests or bends affect the road layout.

## **School Travel Plan**

All schools in Perth and Kinross are encouraged to produce a School Travel Plan. These plans record the various modes of transport to and from school, and help to identify any limitations in the built environment, particularly for vulnerable road users such as child pedestrians and cyclists. Each scheme will be allocated a score for connection to a school or campus – 1 point will be given to the School Travel Plan category if the project links to a school and 2 points if the project is in the immediate vicinity of the school.

## **Sustainable Transport**

Each project will be scored for a sustainable transport connection – 1 point each will be given to the Sustainable Transport category if the scheme provides a link for pedestrians, cyclists, car and bus or rail transport up to a maximum of 4 points.

## **Community Input**

*Prior to the commencement of new financial year, Community Councils (where they exist) will be provided with the Road Safety Projects database and asked to prioritise individual projects within their Community Council area, which have the same cost/benefit ratio, using a score of 1 to 5. (5 being the highest). This scoring will be used for the purposes of differentiating between those projects with the same cost/benefit ratio and will inform officers and councillors, which projects Community Councils consider more important within the same cost/benefit ratio. The scoring would not however affect the cost/benefit ratio of any project or re-prioritise any project above any which have a greater cost/benefit analysis.*

## **Cost**

The cost of the scheme to be constructed has a direct bearing on the viability of the project. With limited financial resources, cost must be a consideration for all works. Nonetheless, if need has been clearly established, cost should not be a critical assessment criteria.

It should be noted that for the purposes of the prioritisation, the cost is the cost to PKC. Therefore, if a potential project was to be funded or partly funded from elsewhere this may impact on the scheme's priority by potentially raising the Benefit Cost Ratio.

## **Land Availability**

Land availability should not be an assessment criteria if need for the scheme is identified. Priority will be given to those sites where the works can be accommodated within the existing road boundary and the scheme can be delivered within an agreed timeframe. Schemes where land is currently available, and there are no anticipated site complications, will be marked in green on the assessment table. Sites where land is available but which

require additional construction work, such as retaining features or alterations to services, will be shown in amber.

Schemes which require additional land outside the road boundary will be highlighted in red. It will be necessary to negotiate land transfer before any of these schemes can be constructed. An estimated construction cost cannot be entered against these projects until the amount of land required to complete the scheme is calculated.

### **Benefit Cost Ratio**

A Benefit Cost Ratio (BCR) will be used as an indicator to rank the overall value for money of the proposed projects, by dividing the total benefits by the estimated costs.





## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure and Economic Development Committee

20 September 2023

### PROPOSED 30MPH SPEED LIMITS

#### Report by Head of Environmental & Consumer Services

(Report No. 23/258)

#### 1. PURPOSE

- 1.1 The purpose of this report is to seek support to make a Traffic Regulation Order, which covers a 30mph speed limit in Kinloch. The Council has received one objection regarding the proposed introduction of this speed limit. The Committee is asked to set aside the objection and that the Order is made as advertised.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Committee:
- i) sets aside the objection received and
  - ii) proceeds to make the Order to introduce the new 30mph Speed Limit in Kinloch as advertised.

#### 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 Officers recently undertook statutory consultation for Perth and Kinross Council (Restricted Roads) (Variation) (No 38) Order 2023, covering a number of sites. There were no objections received for the majority of these sites, therefore these have been progressed without delay. However, the Traffic Regulation Order (TRO) wishes to promote a 30mph speed limit in Kinloch, for which an objection was received, which therefore requires a Committee decision.
- 4.2 All the 20mph speed limits introduced under the Spaces for People initiative have been assessed and, where appropriate, made permanent. However, at some locations where a temporary 20mph speed limit was introduced, it was not considered appropriate to make these locations permanent.

- 4.3 As a result, it is therefore proposed to introduce 30mph speed limits at these sites to improve compliance. Setting the speed limit unrealistically low has resulted in poor compliance and increased demands on Police enforcement. However, the speed limit can be reviewed should there be any future changes. The temporary 20mph speed limit in Kinloch was one of the sites with poor compliance. Given the road width, alignment and limited frontage development at this location, officers do not believe that a permanent 20mph speed limit is appropriate.
- 4.4 This Traffic Regulation Order has been progressed in consultation with local elected members, Community Councils and local residents. The proposed Variation Order and drawings are shown in Appendix 1.
- 4.5 During the statutory advertisement period, one objection was received and this is listed in the table below. This objection relates to Item 10 (Kinloch) in Appendix 1.

| <b>Objections to the proposed 20 mph speed limit are as follows:</b> |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name on file</b>                                                  | <b>Reason for objection</b>                                                                                                                                                                                                                                                               | <b>Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (1)                                                                  | The objector does not agree with raising the speed limit to 30mph in Kinloch. The current limit is 20mph and vehicles are still travelling too fast for the road. The objector would like more traffic calming to be provided in order to increase compliance with the 20mph speed limit. | It is proposed to amend the speed limit to 30mph to improve compliance. Given the road width, alignment and limited frontage development at Kinloch, officers do not believe that the 20mph speed limit is the appropriate speed restriction. Setting the speed limit unrealistically low in Kinloch has led to poor compliance.<br><br>If there is further development in Kinloch, the Council can review the speed limit further. |

- 4.6 A copy of the full objection and response are contained in Appendix 2.
- 4.7 Under the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, local authorities are permitted to make a Traffic Regulation Order in partial while deferring one or more items of the proposed Traffic Regulation Order.
- 4.8 Item 10 of the Order was the only location out of the 13 proposed that received an objection. The Perth and Kinross Council (Restricted Roads) (Variation) (No 38) Order 2023 has been made with Item 10 being deferred, so that the objection can be considered at this Committee.

## 5. PROPOSALS

- 5.1 The proposed 30mph speed limit order and relevant drawings are shown in Appendix 1 attached to this report.

## 6. CONCLUSION

- 6.1 This report proposes road safety improvements by way of a 30mph speed limit in Kinloch. The report also highlights an objection received during the advertising of the proposed 30mph speed limits and the response sent to the objector to explain the reasons for the proposed Order. The report also recommends that the objection is set aside and that the Order is promoted.

### Author

| Name          | Designation                         | Contact Details                                                                                    |
|---------------|-------------------------------------|----------------------------------------------------------------------------------------------------|
| Brian Cargill | Traffic and Network Service Manager | 01738 475000<br><a href="mailto:ComCommitteeReports@pkc.gov.uk">ComCommitteeReports@pkc.gov.uk</a> |

### Approved

| Name           | Designation                      | Date             |
|----------------|----------------------------------|------------------|
| Barbara Renton | Executive Director (Communities) | 7 September 2023 |

## APPENDICES

- Appendix 1 Drawings and Variation Order
- Appendix 2 Objections and Responses

|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
| You can also send us a text message on 07824 498145.                                                                                                                                                                                                        |
| All Council Services can offer a telephone translation facility.                                                                                                                                                                                            |

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

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

(i) *Mental and physical wellbeing.*

#### 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

#### Capital

- 2.1 There are no capital resource implications arising directly from the recommendations in this report.

#### Revenue

- 2.2 The financial implications of advertising and implementing the new speed limits are covered within existing Traffic and Network revenue budgets.

#### Workforce

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

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

- 2.4 There are no land and property, or information technology implications arising from the contents of this report.

## 3. Assessments

### Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

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

The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

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

### Legal and Governance

- 3.6 The Order will be promoted in accordance with The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

### Risk

- 3.7 There are no significant risks associated with the implementation of this project.

## **4. Consultation**

- 4.1 The Head of Legal and Governance and the Head of Finance have been consulted in the preparation of this report.
- 4.2 Police Scotland, local Elected Members, residents and Community Councils have also been consulted and support the proposals.

## **5. Communication**

- 5.1 None.

## **2. BACKGROUND PAPERS**

- 2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:
- Environment and Infrastructure Committee (Report 21/195)
  - Environment, Infrastructure and Economic Development Committee (Report 23/173)

**PERTH AND KINROSS COUNCIL  
ROAD TRAFFIC REGULATION ACT 1984**

**PERTH AND KINROSS COUNCIL (RESTRICTED ROADS)  
(VARIATION) (NO 38) ORDER 202X**

Perth and Kinross Council in exercise of the powers conferred on them by Sections 84(1) and (2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (which Act of 1984 is hereinafter referred to as "the Act") and of all other powers enabling them in that behalf and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1. This Order may be cited as "Perth and Kinross Council (Restricted Roads) (Variation) (No 38) Order 202X" and shall come into operation on the ..... day of ..... Two thousand and twenty-.....
2. The Perth and Kinross Council (Restricted Roads) Order 1998 is hereby varied and shall henceforth have effect subject to the amendments thereto specified and described in the Schedule hereto.

SIGNED and the COMMON SEAL of the COUNCIL hereto AFFIXED at PERTH on the ..... day of ..... TWO THOUSAND AND TWENTY- .....

.....  
Legal Manager

**PERTH AND KINROSS COUNCIL (RESTRICTED ROADS)  
(VARIATION) (NO 38) ORDER 202X**

**SCHEDULE**

The Schedule to the "Perth and Kinross Council (Restricted Roads) Order 1998" requires to be varied as follows:-

1. After **PART I** of the **SCHEDULE**, 4 **ALYTH**, insert the following:-  
"4A     **AUCHMUIRBRIDGE**  
       **A911 Glenrothes - Scotlandwell – Milnathort Road**  
       From a point 230 metres or thereby northeastwards of its junction with the B922 southwestwards then northwestwards to a point 291 metres or thereby northwestwards of its junction with the B922, a distance of 530 metres or thereby."
2. After **PART I** of the **SCHEDULE**, 7A **BALLINTUIM**, delete the existing and substitute with:-  
"7A     **BALLINTUIM**  
       **A924 – Pitlochry – Kirkmichael – Bridge of Cally Road**  
       From a point 150 metres or thereby south of the extended southeast gable of the Old Post Office House southeastwards to a point 30 metres or thereby southeastwards of its junction with the private access to the property known as Rhiannan, a distance of 412 metres or thereby."
3. After **PART I** of the **SCHEDULE**, 15A **BRIDGE OF CALLY**, insert the following:-  
"15B    **BUTTERSTONE**  
       **A923 Dunkeld - Butterstone – Blairgowrie Road**  
       From a point 92 metres or thereby westwards of its junction with the access road to the property known as Benachally, to a point 67 metres or thereby eastwards of its junction with the private access to the Buckny Burn Hydro Scheme, a distance of 268 metres or thereby."
4. After **PART I** of the **SCHEDULE**, 17 **CAPUTH**, insert the following:-  
"17A    **CARNBO**  
       **A91 Milnathort – Tillicoultry – Stirling Road**  
       From a point 20 metres or thereby southwestwards of its junction with U221 northeastwards to a point 15 metres or thereby northeastwards of its junction with the private access of the property known as Viewfield, a distance of 711 metres or thereby."
5. After **PART I** of the **SCHEDULE**, 19 **COUPAR ANGUS**, insert the following:-  
"19A    **CRAIGEND**  
       **Kirkton of Mailer Road**  
       From its junction with A912 northwestwards to a point 78 metres or thereby northwestwards of its junction with the private access to the property known as Kirkton of Mailer Farm Cottages, a distance of 1338 metres or thereby."
6. After **PART I** of the **SCHEDULE**, 23A **DRUM**, insert the following:-  
"23B    **EASTER BALGEDIE**  
       **A911 - Main Road**  
       From a point 100 metres or thereby northwestwards of its junction with the private access road known as Access Road off A911 to rear of Balgedie House, southeastwards to a point 70 metres or thereby, southeastwards of its junction with the Private Access Road to the property known as Balneathal, a distance of 262 metres or thereby."
7. After **PART I** of the **SCHEDULE**, 23A **DRUM**, insert the following:-



“23C **FEARNAN**

**A827 - Main Road**

From a point 43 metres or thereby westwards of its junction with the private property known as Altbeag eastwards to a point 202 metres or thereby eastwards of its junction with the C449 Main Road, a distance of 1671 metres or thereby.”

8. After **PART I** of the **SCHEDULE**, 24 **FORGANDENNY**, insert the following:-

“24A **FORNETH**

**A923 – Main Road**

From a point 101 metres or thereby southeastwards of its junction with the private access to the property known as 7 Williamson Cottage, northwestwards to a point 187 metres or thereby northwestwards of its junction with the private access road to the private property known as Craigellachie, a distance of 430 metres or thereby.”

9. After **PART I** of the **SCHEDULE**, 27 **GLENFARG**, delete the existing and substitute with:-

“27 **GLENFARG**

(a) **B996 Main Street**

From a point 598 metres or thereby, southwards of its junction with Ladeside northwards to a point 427 metres or thereby north of its junction with Greenbank Road, a distance of 1295 metres or thereby.

(b) **C414 Glenfarg – Newhill Road**

From a point 54 metres or thereby southwest of its junction with Melville Terrace westwards for a distance of 92 metres or thereby.

(c) **C420 Glenfarg – Milnathort Road**

(i) From a point 180 metres or thereby northwards of its junction with U66 Glendy Mill – Duncricvie Road northwards for a distance of 374 metres or thereby;

(ii) From a point 325 metres or thereby southwards of its junction with U66 Glendy Mill – Duncricvie Road southwards for a distance of 888 metres or thereby;

(iii) From a point 105 metres or thereby northwards of its junction with U228 Middleton – Bankhead Road southwards for a distance of 520 metres or thereby.

(d) **C499 Newhill – Milnathort Road**

From a point 193 metres or thereby northwards of its junction with U228 Middleton – Bankhead Road southwards then southwestwards for a distance of 376 metres or thereby.

(e) **U228 Middleton – Bankhead Road**

From its junction with C420 Glenfarg – Milnathort Road northwestwards to its junction with C499 Glenfarg – Milnathort Road, a distance of 979 metres or thereby.

(f) **U66 Newhill – Duncricvie Road**

From a point 250 metres or thereby northeastwards from of its junction with C414 Glenfarg – Newhill Road eastwards then southeastwards to a point 40 metres westwards of the junction with C420 Glenfarg – Milnathort Road, a distance of 904 metres or thereby.”

10. After **PART I** of the **SCHEDULE**, 32 **KILLIECRANKIE**, insert the following:-

“32A **KINLOCH**

(a) **A923 – Main Road**

From a point 189 metres or thereby westwards of its junction with the private access to the property known as Ardlinn, eastwards to a point 90 metres or thereby, eastwards of its junction with C433 Place Road, a distance of 1122 metres or thereby.

(b) **U115**

From its junction with A923 Main Road northwestwards to a point 145 metres or thereby northwestwards of its junction with the A923 Main Road, a distance of 145 metres or thereby.

(c) **C433 Place Road**

From its junction with A923 Main Road southwards to its junction with B947, a distance of 926 metres or thereby.”

11. At **PART I** of the **SCHEDULE**, 36 **KIRKMICHAEL**, delete the existing and substitute with:-

“36 **KIRKMICHAEL**

(a) **A924 – Pitlochry – Kirkmichael – Bridge of Cally Road**

From a point 926 metres or thereby southeast of the junction of the Pitlochry – Kirkmichael – Bridge of Cally with the bridge over the River Ardle northwestwards for a distance of 1130 metres or thereby.

(b) **B950 Kirkmichael – A93 Road**

From its junction with the A924 Pitlochry – Kirkmichael – Bridge of Cally Road, southeastwards for a distance of 384 metres or thereby.”

12. After **PART I** of the **SCHEDULE**, 36 **KIRKMICHAEL**, insert the following:-

“36A **LAWERS**

**A827 Logierait – Aberfeldy – Killin Road**

From a point 140 metres or thereby southwestwards of its junction with the private access to the property known as Loch Tay View northwards to a point 61 metres or thereby northeastwards of its junction with the private access road to the property known as Machuin Farm, a distance of 931 metres or thereby.”

13. After **PART I** of the **SCHEDULE**, 52 **WOODSIDE/BURRELTON**, insert the following:-

“53 **WESTER BALGEDIE**

(a) **A911 Milnathort – Scotlandwell – Glentrothes Road**

From a point 157 metres or thereby westwards of its junction with Stan-Ma-Lane eastwards then southeastwards to a point 25 metres or thereby southeastwards of its junction with U243, a distance of 594 metres or thereby.

(b) **B919 Wester Balgedie – Glenfarg Road**

From its junction with the A911 northwestwards to a point 200 metres or thereby northwestwards of its junction with the A911, a distance of 200 metres or thereby.

(c) **Loch Leven Court**

From its junction with Stan-Ma-Lane southwards for its entire length, a distance of 44 metres or thereby.

(d) **Queens View**

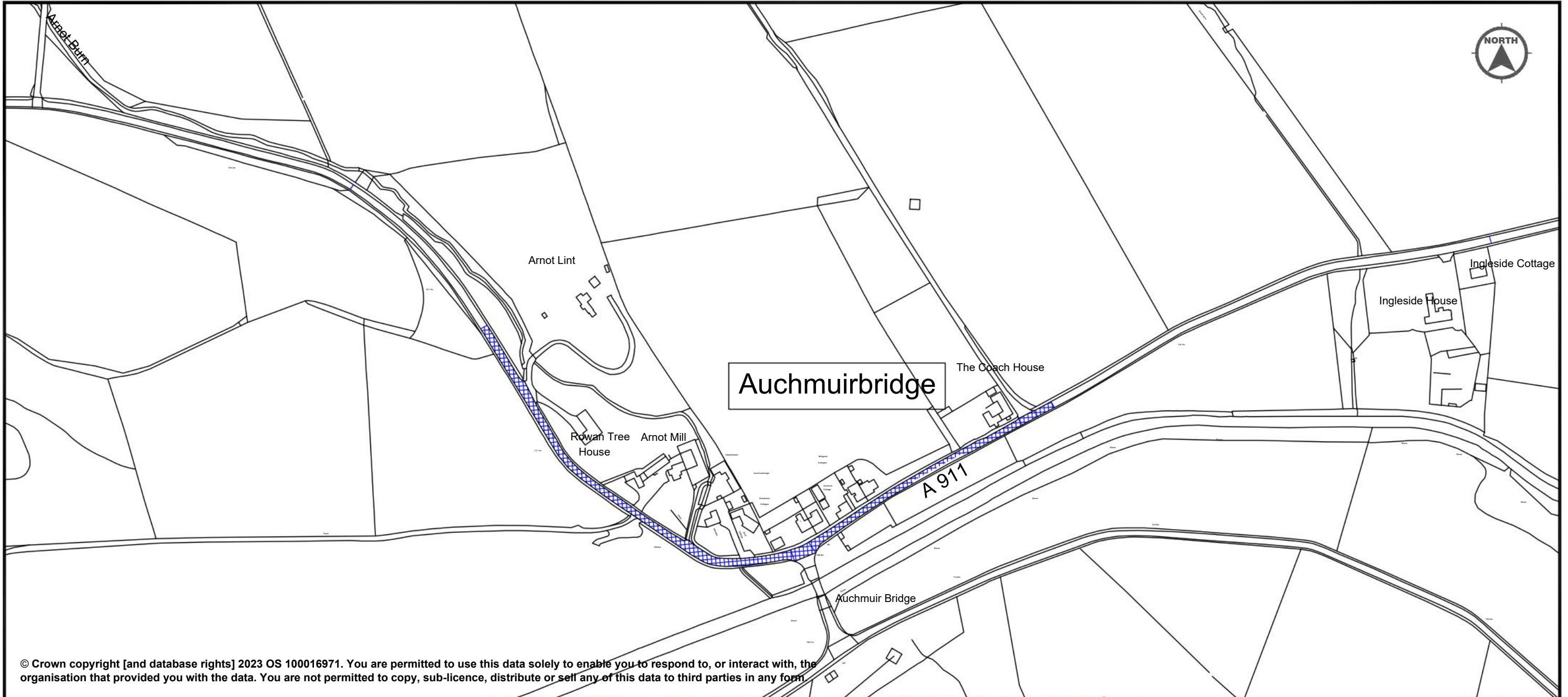
From its junction with Stan-Ma-Lane southwestwards for its entire length, a distance of 123 metres or thereby.

(e) **Stan-Ma-Lane**

From its junction with A911 southwards for its entire length, a distance of 77 metres or thereby.”


### **Council reasons**

The Council wish to make permanent the 30mph speed limits introduced under the Council's Spaces for People project in the Perth and Kinross area for the safety of all road users.





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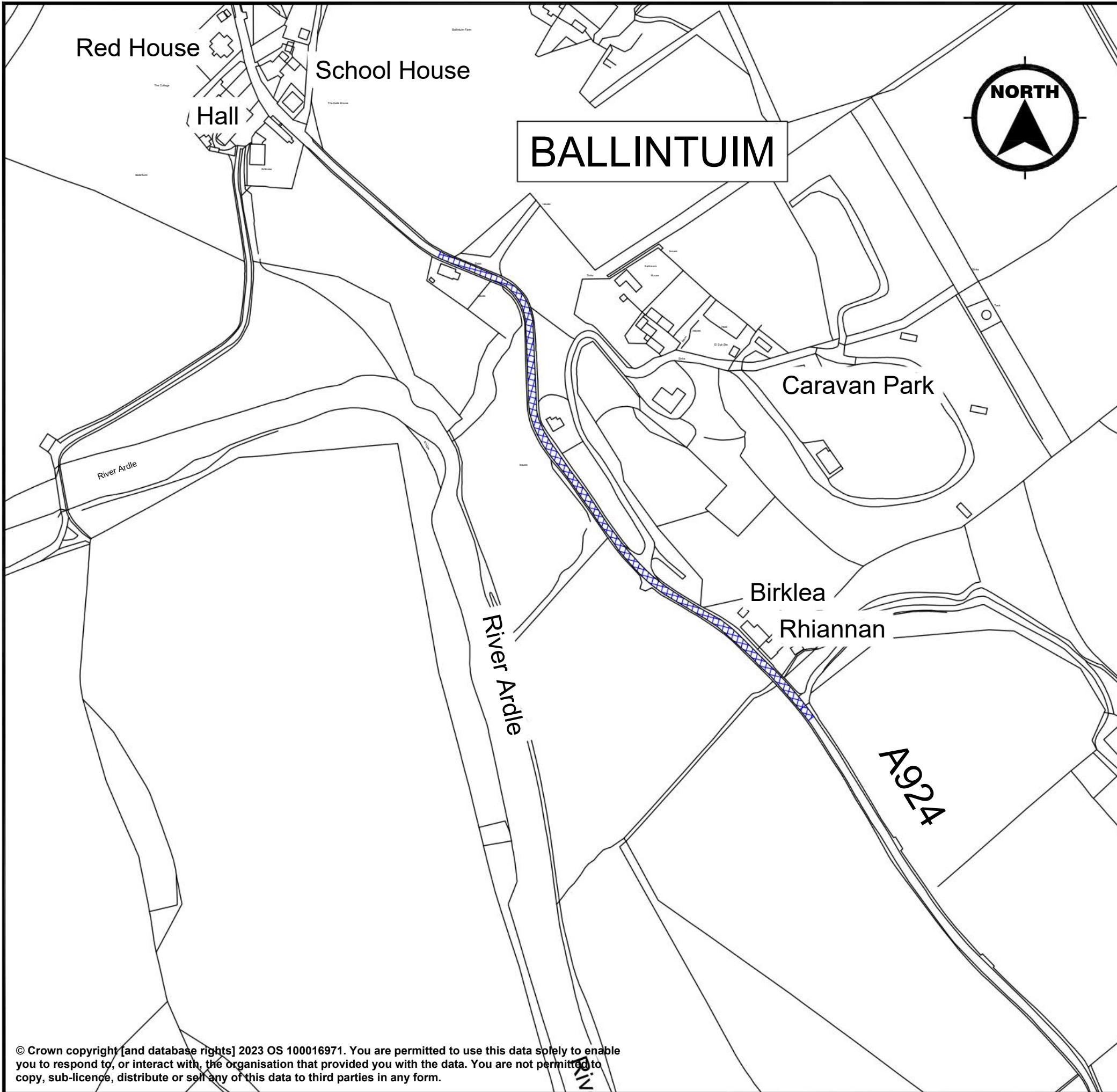
**LEGEND:**

 Proposed 30mph Speed Limit




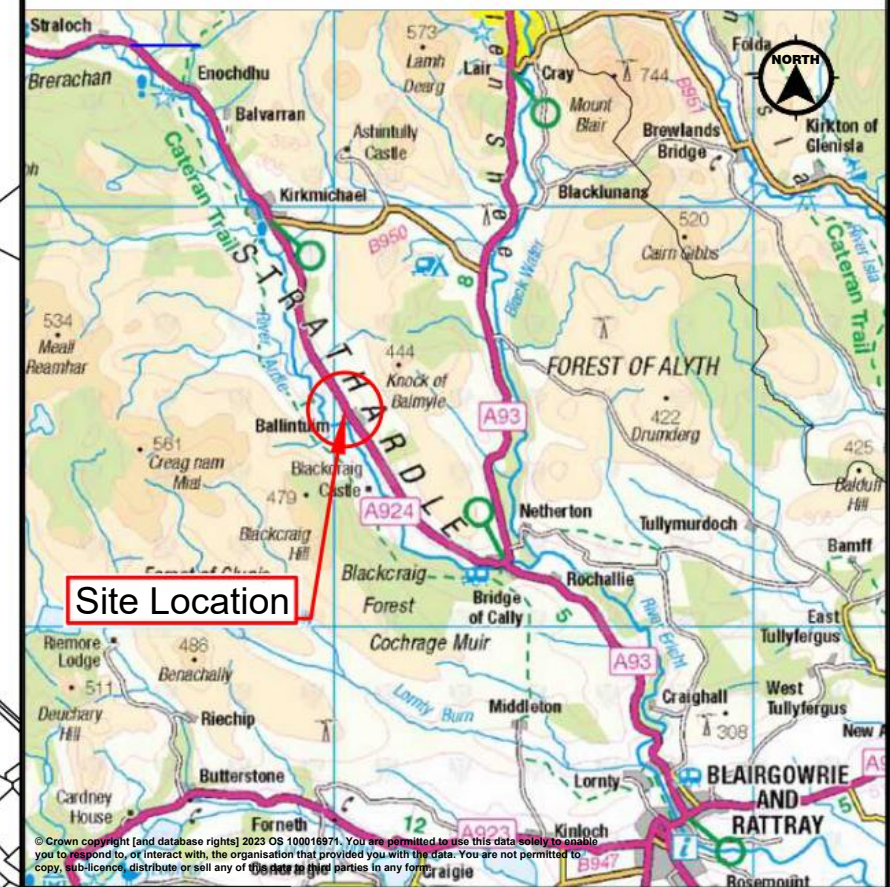
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| Suffix                                                                                                                                                                                                                                        | Revision Details | by              | Apprvd     | Date |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------|------------|------|
| AMENDMENTS                                                                                                                                                                                                                                    |                  |                 |            |      |
| <br>Proposed Traffic Regulation Order<br>Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x<br>Legal 1<br>Auchmuirbridge (Ward 8) |                  |                 |            |      |
| <br>Communities<br>Executive Director - B.Renton BA Hons                                                                                                 |                  |                 |            |      |
| Drawn by:                                                                                                                                                                                                                                     | MS               | Drawing Scales: | NTS        |      |
| Checked by:                                                                                                                                                                                                                                   | MW               | Project Code:   | 30mph 2023 |      |
| Approved by:                                                                                                                                                                                                                                  | BW               | Drawing No:     | 01         |      |
| Date:                                                                                                                                                                                                                                         | 29/04/2023       |                 |            |      |



**LEGEND:**

 Proposed 30mph Speed Limit



Proposed Traffic Regulation Order  
 Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x  
 Legal 13  
 A924 Ballintuim, Blairgowrie (Ward 3)

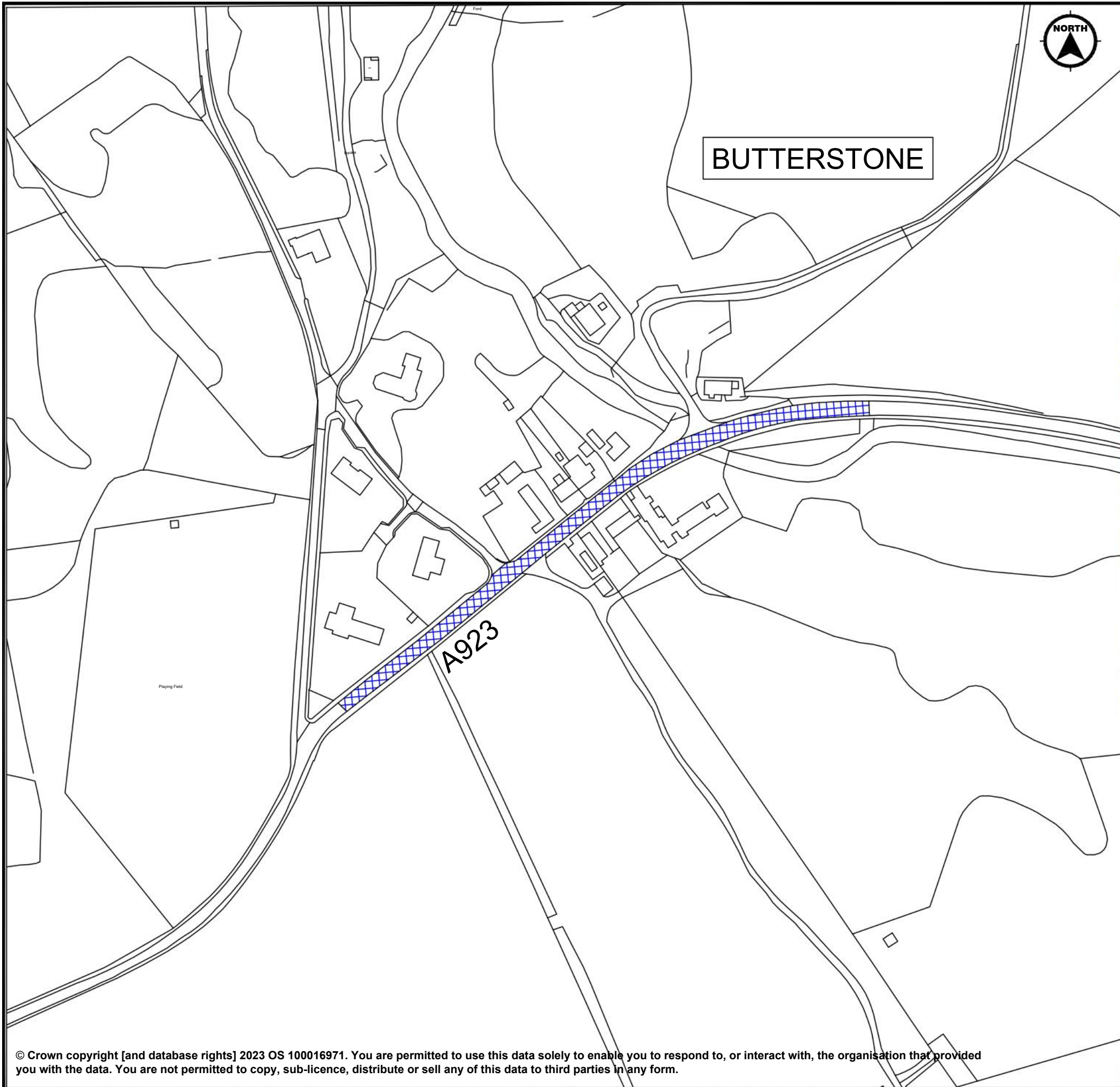
Communities

Executive Director - B.Renton BA Hons

Drawn by: MS  
 Checked by: CC  
 Approved by: BW  
 Date: 02/05/2023

Drawing Scales: NTS  
 Project Code: 30mph 2023  
 Drawing No: 13

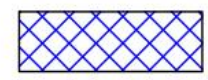
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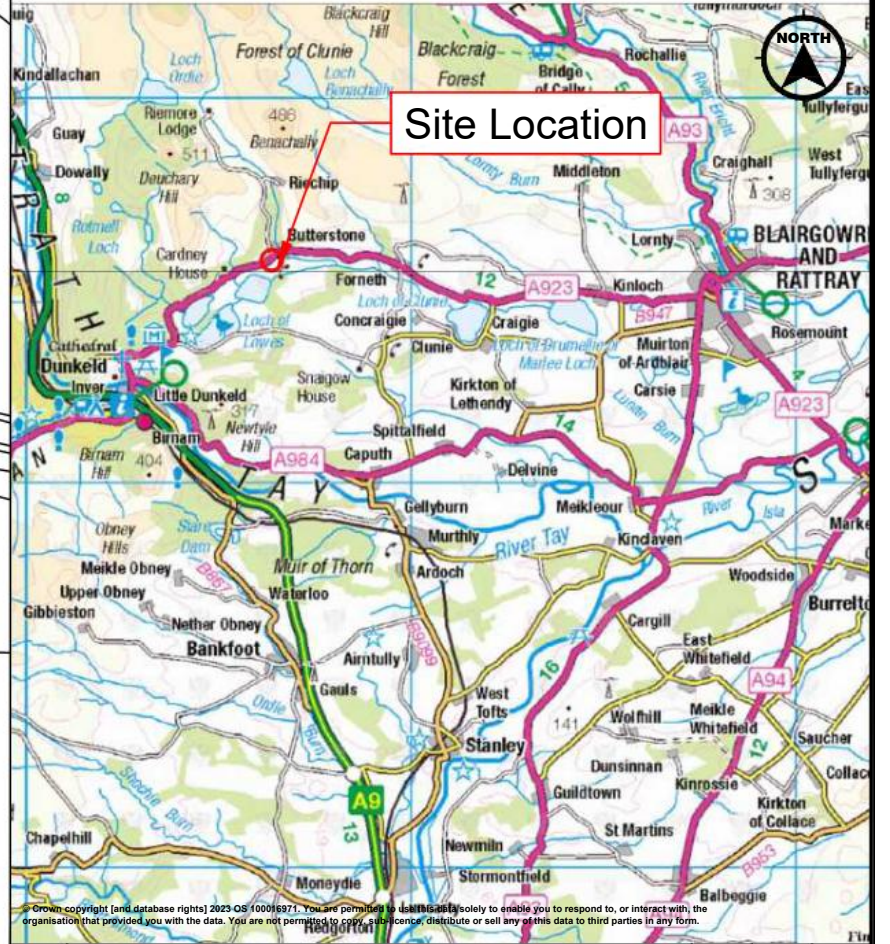
BUTTERSTONE



**LEGEND:**



Proposed 30mph Speed Limit



Site Location



| Suffix | Revision Details | by | Apprvd | Date |
|--------|------------------|----|--------|------|
|--------|------------------|----|--------|------|

AMENDMENTS



Proposed Traffic Regulation Order  
 Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x  
 Legal 2  
 Butterstone (Ward 5)

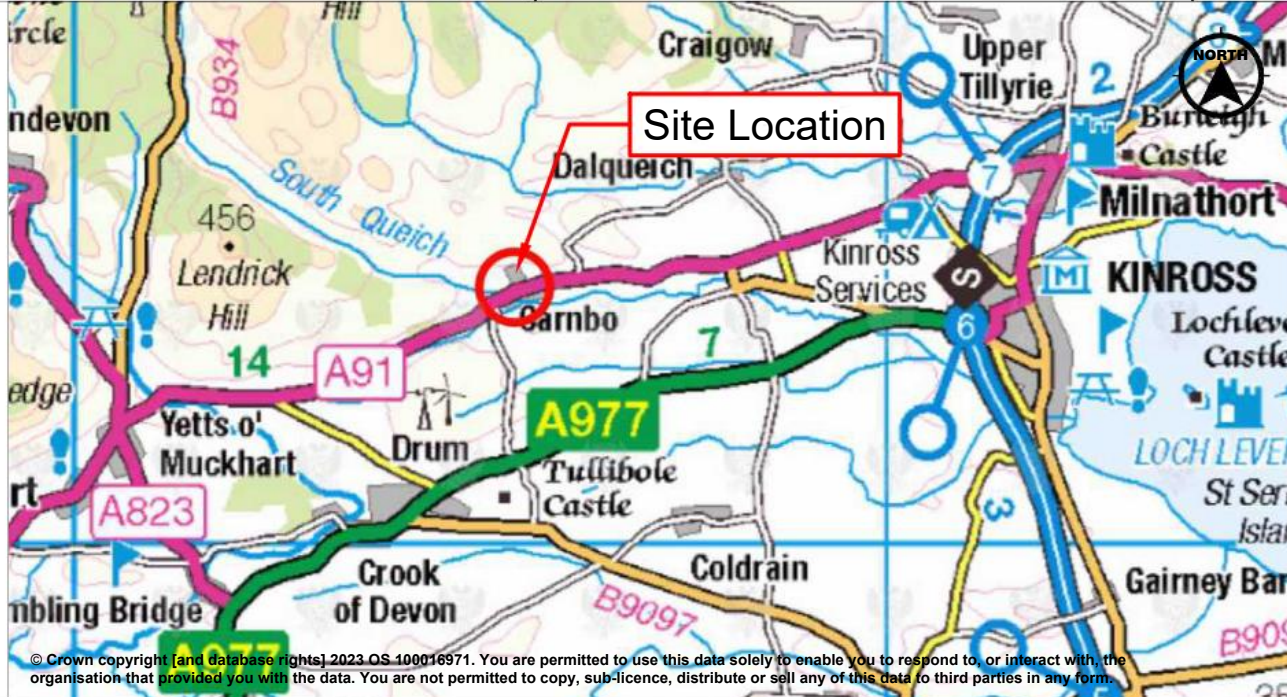
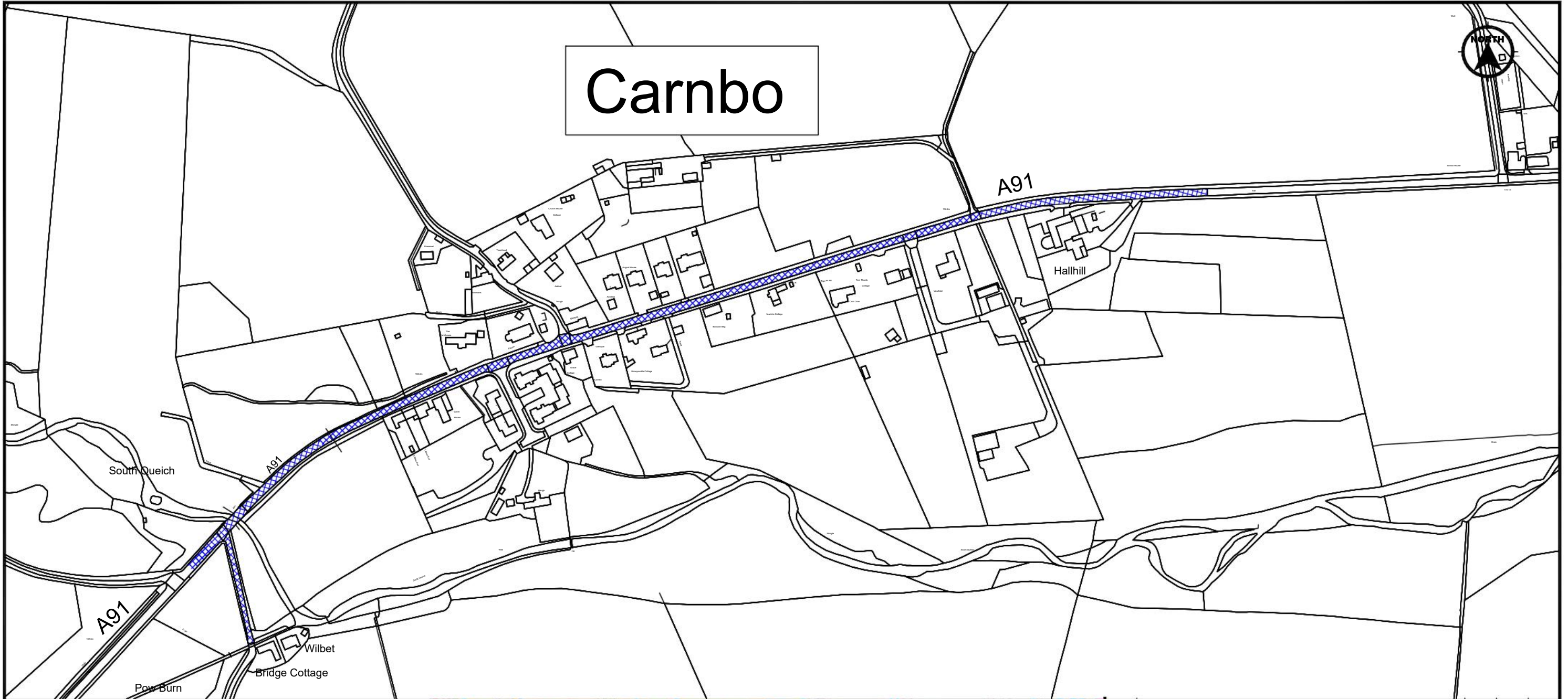
Communities

Executive Director - B.Renton BA Hons


Drawn by: MS  
 Checked by: MW  
 Approved by: BW  
 Date: 29/04/2023


Drawing Scales: NTS  
 Project Code: 30mph 2023  
 Drawing No: 02

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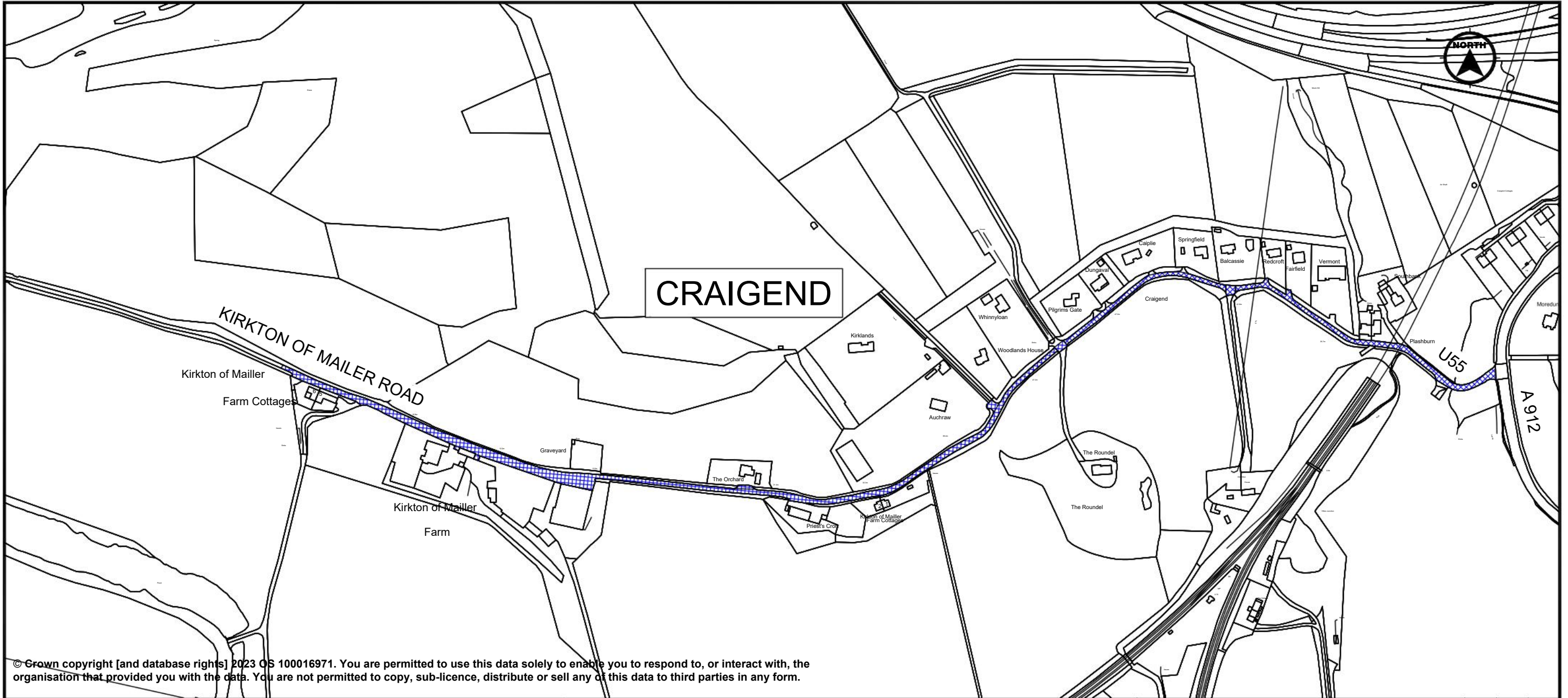


**LEGEND:**

 Proposed 30mph Speed Limit


| Suffix                                                                                                                                                              | Revision Details | by              | Apprvd     | Date |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------|------------|------|
| AMENDMENTS                                                                                                                                                          |                  |                 |            |      |
|                                                                                |                  |                 |            |      |
| <p>Proposed Traffic Regulation Order</p> <p>Perth &amp; Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x</p> <p>Legal 3</p> <p>Carnbo (Ward 8)</p> |                  |                 |            |      |
| <p>Communities</p> <p>Executive Director - B.Renton BA Hons</p>                                                                                                     |                  |                 |            |      |
| Drawn by:                                                                                                                                                           | MS               | Drawing Scales: | NTS        |      |
| Checked by:                                                                                                                                                         | MW               | Project Code:   | 30mph 2023 |      |
| Approved by:                                                                                                                                                        | BW               | Drawing No:     | 03         |      |
| Date:                                                                                                                                                               | 29/04/2023       |                 |            |      |

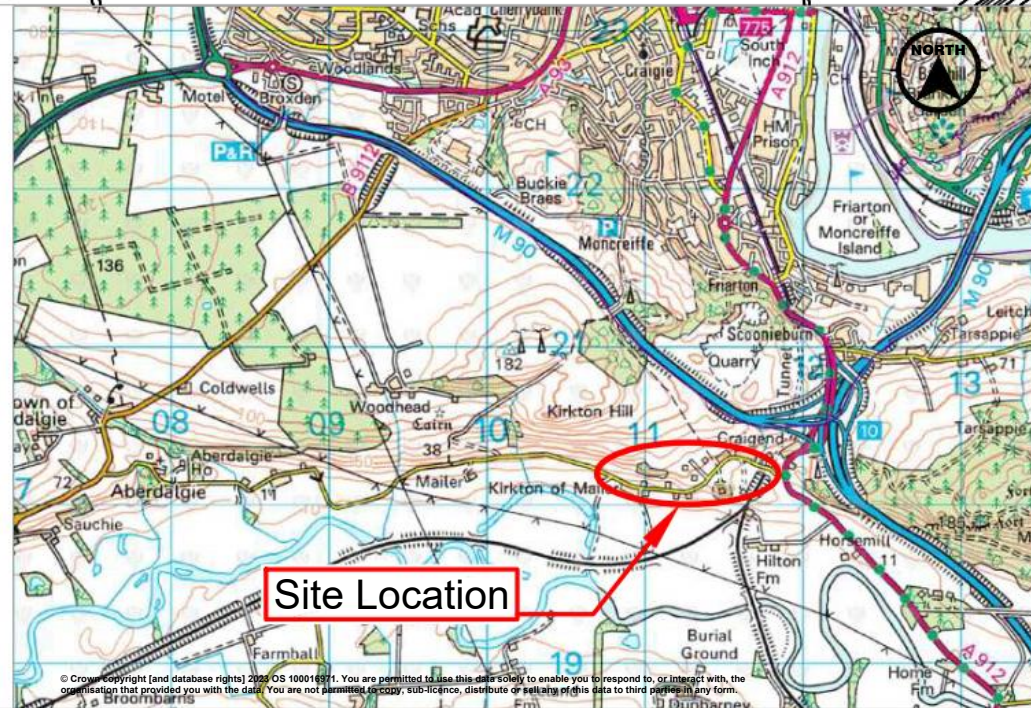
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**LEGEND:**

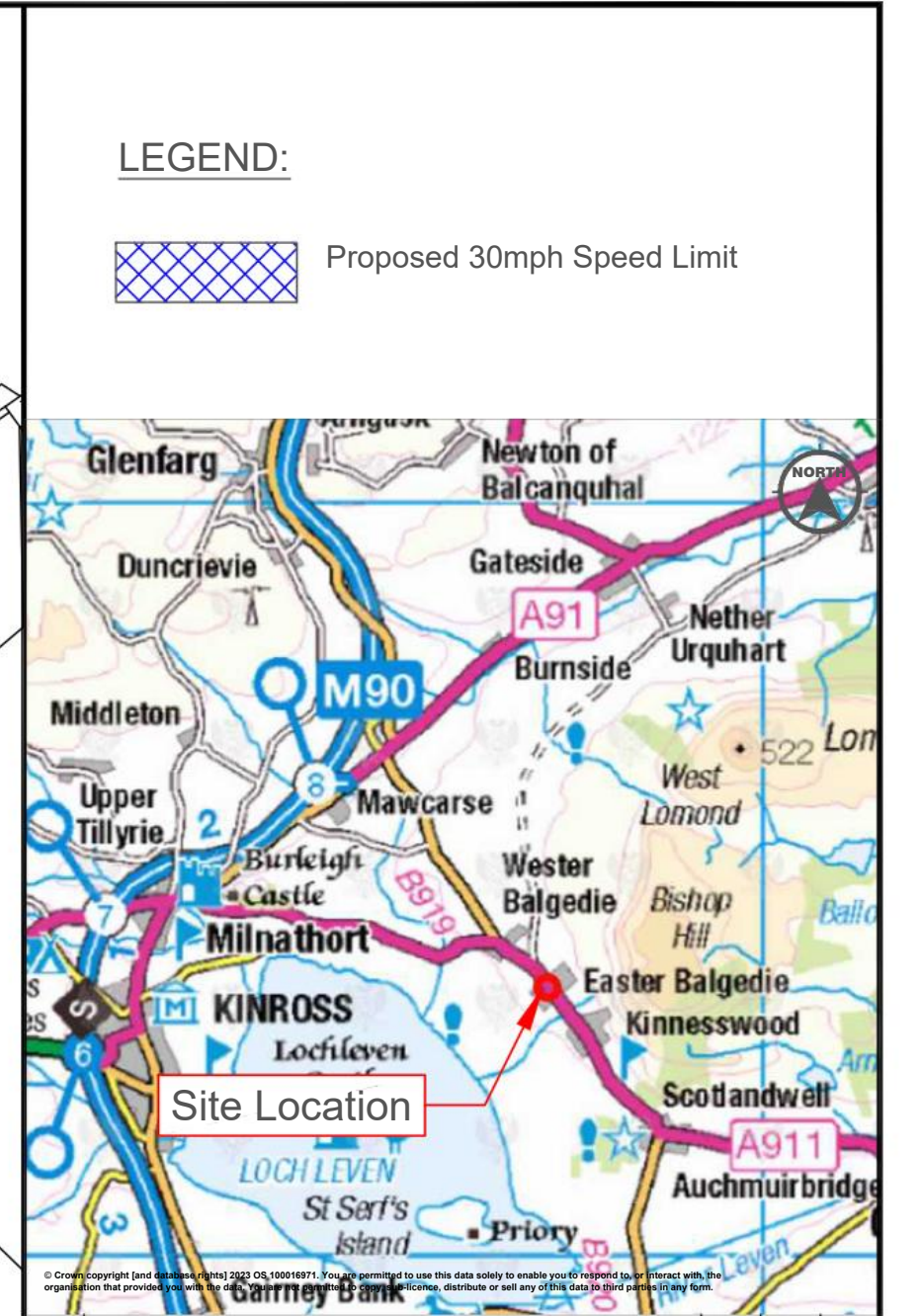
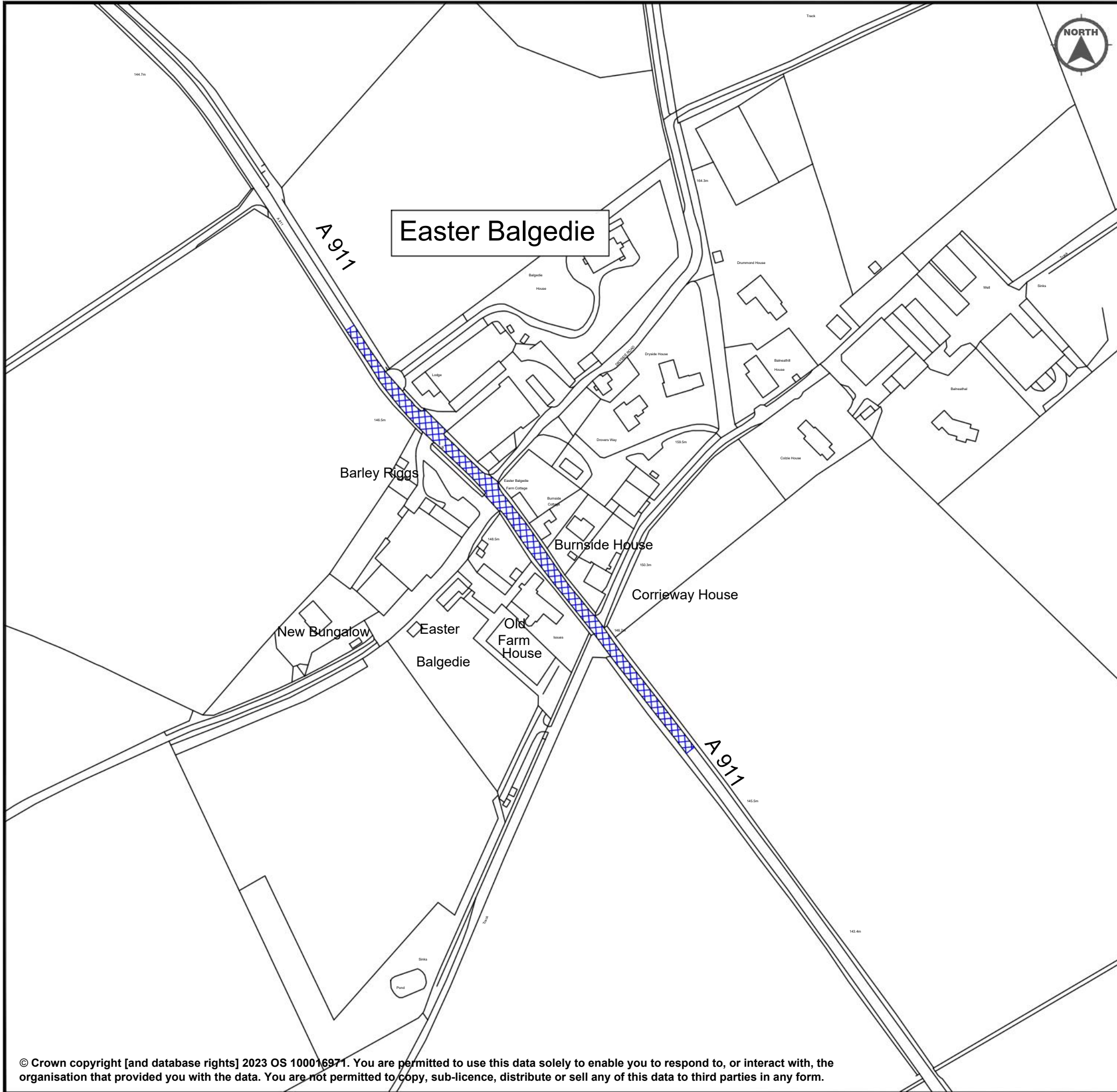
 Proposed 30mph Speed Limit




**Site Location**

| Suffix                                                                                                                                                                     | Revision Details                                                  | by | Apprvd | Date |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|--------|------|
| <b>AMENDMENTS</b>                                                                                                                                                          |                                                                   |    |        |      |
| <br><b>PERTH &amp; KINROSS COUNCIL</b>                                                |                                                                   |    |        |      |
| Proposed Traffic Regulation Order<br>Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x<br>Legal 4<br>U55 Kirkton of Mailer Road, Craigend (Ward 9) |                                                                   |    |        |      |
| Executive Director - B.Renton BA Hons                                                                                                                                      |                                                                   |    |        |      |
| Communities                                                                                                                                                                |                                                                   |    |        |      |
| Drawn by: MS<br>Checked by: MW<br>Approved by: BW<br>Date: 29/04/2023                                                                                                      | Drawing Scales: NTS<br>Project Code: 30mph 2023<br>Drawing No: 04 |    |        |      |





**LEGEND:**

 Proposed 30mph Speed Limit

| Suffix     | Revision Details | by | Apprvd | Date |
|------------|------------------|----|--------|------|
| AMENDMENTS |                  |    |        |      |

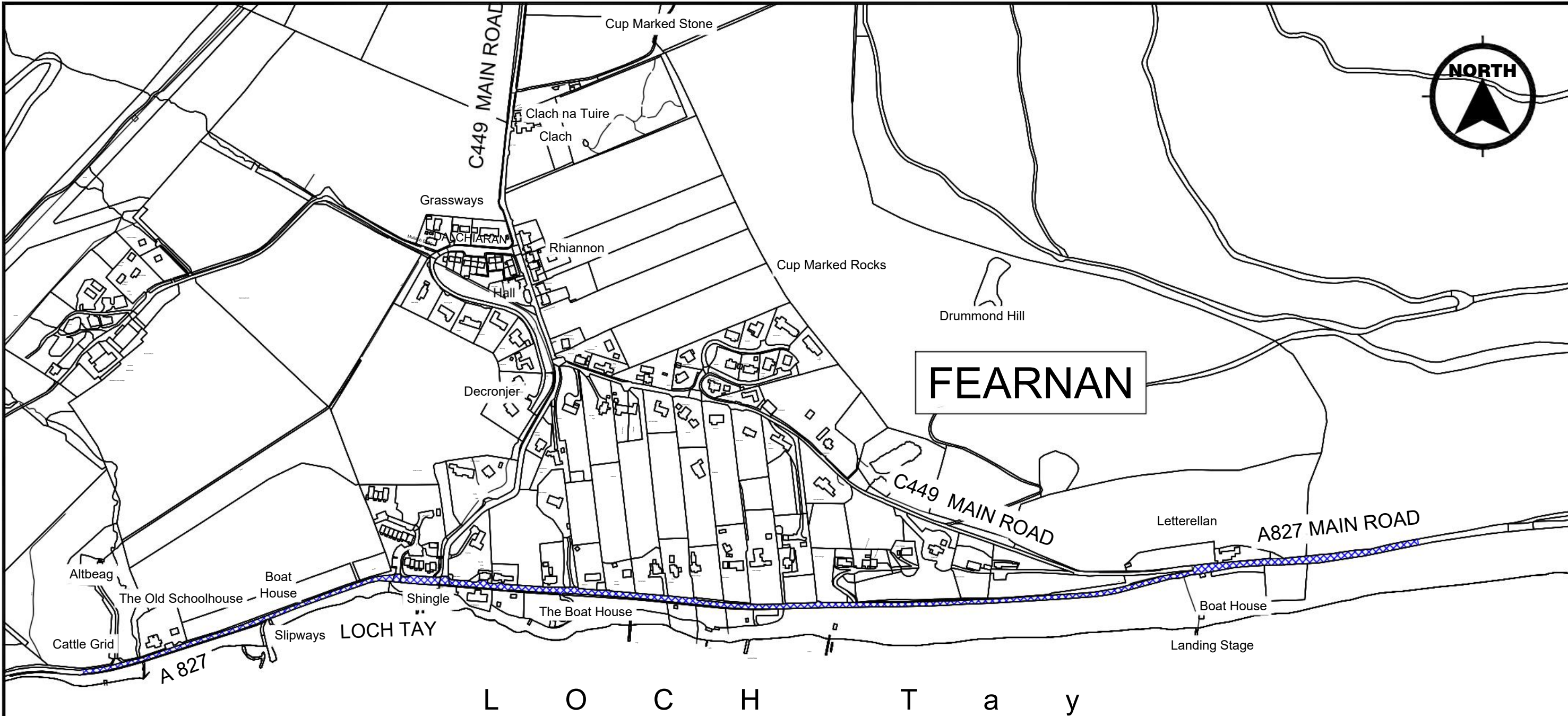


Proposed Traffic Regulation Order  
 Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x  
 Legal 5  
 Easter Balgedie (Ward 8)

Communities  
 Executive Director - B.Renton BA Hons


|                  |                          |
|------------------|--------------------------|
| Drawn by: MS     | Drawing Scales: NTS      |
| Checked by: MW   | Project Code: 30mph 2023 |
| Approved by: BW  | Drawing No: 05           |
| Date: 29/04/2023 |                          |

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**LEGEND:**

 Proposed 30mph Speed Limit



Communities

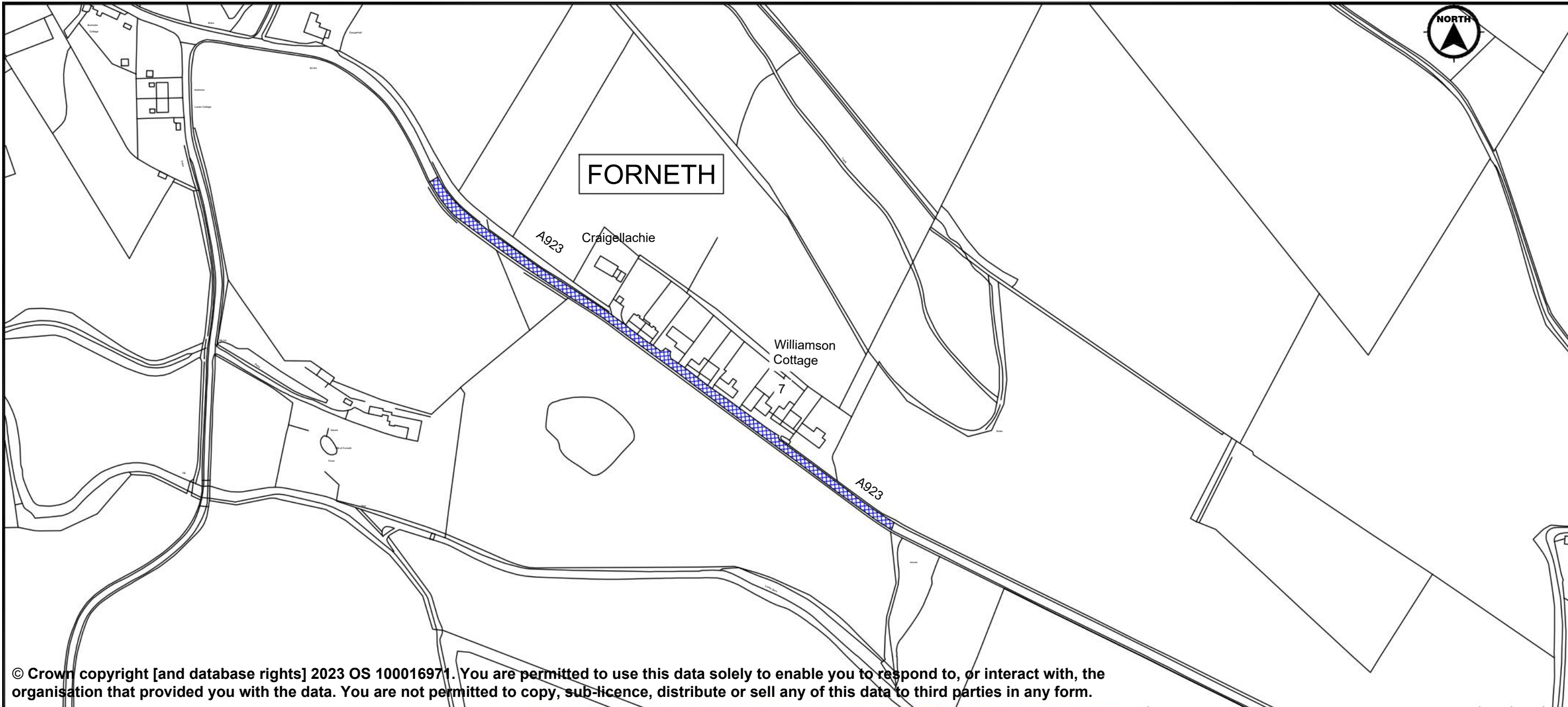
Drawn by: MS  
 Checked by: CL  
 Approved by: BW  
 Date: 29/04/2023

Proposed Traffic Regulation Order  
 Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x

Legal 6  
 Fearnan  
 (Ward 4)


Executive Director - B.Renton BA Hons

Drawing Scales: NTS  
 Project Code: 30mph 2023  
 Drawing No: 06




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**LEGEND:**

 Proposed 30mph Speed Limit

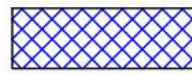


| Suffix                                                                                                                      | Revision Details | by                                                                        | Apprvd                   | Date |
|-----------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------|--------------------------|------|
| AMENDMENTS                                                                                                                  |                  |                                                                           |                          |      |
| <br><b>PERTH &amp; KINROSS COUNCIL</b> |                  | Proposed Traffic Regulation Order                                         |                          |      |
|                                                                                                                             |                  | Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x |                          |      |
| Communities                                                                                                                 |                  | Legal 7                                                                   |                          |      |
|                                                                                                                             |                  | Forneth (Ward 5)                                                          |                          |      |
| Communities                                                                                                                 |                  | Executive Director - B.Renton BA Hons                                     |                          |      |
|                                                                                                                             |                  | Drawn by: MS                                                              | Drawing Scales: NTS      |      |
|                                                                                                                             |                  | Checked by: CL                                                            | Project Code: 30mph 2023 |      |
|                                                                                                                             |                  | Approved by: BW                                                           | Drawing No: 07           |      |
| Date: 29/04/2023                                                                                                            |                  |                                                                           |                          |      |



# Glenfarg

### LEGEND:

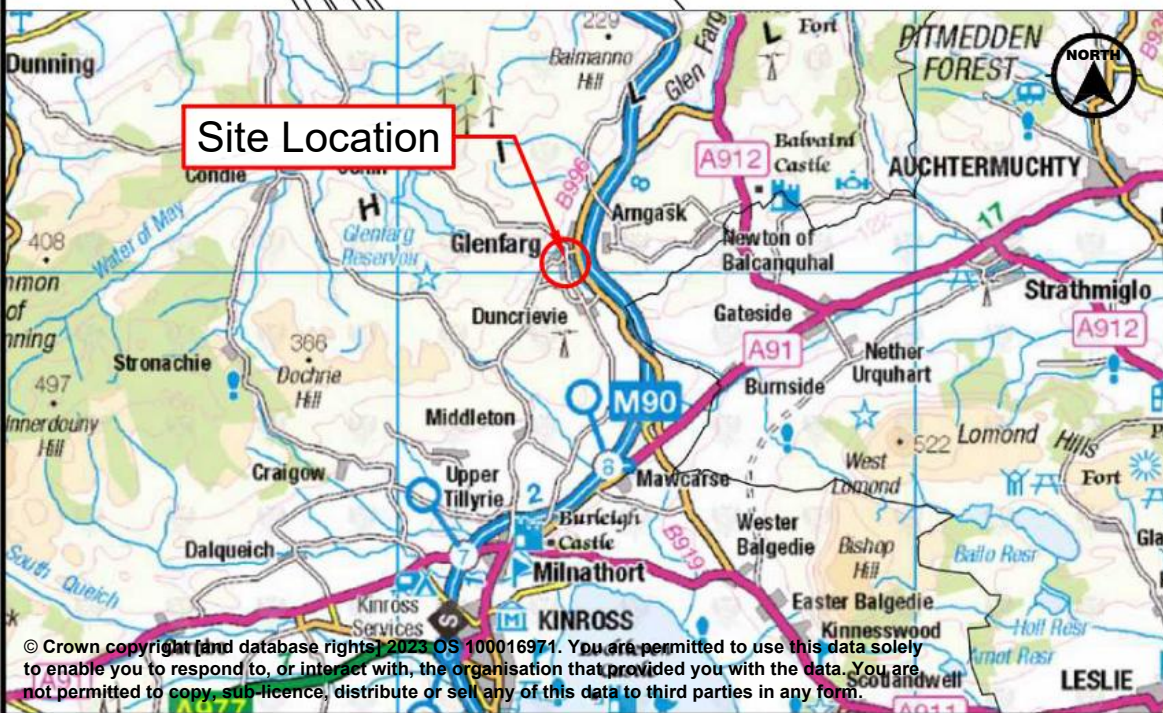


Proposed 30mph Speed Limit

B996 MAIN STREET

M 90

B996



| Suffix | Revision Details | by | Apprvd | Date |
|--------|------------------|----|--------|------|
|        | AMENDMENTS       |    |        |      |



Proposed Traffic Regulation Order

Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x

Legal 8

B996, Glenfarg (Ward 8)

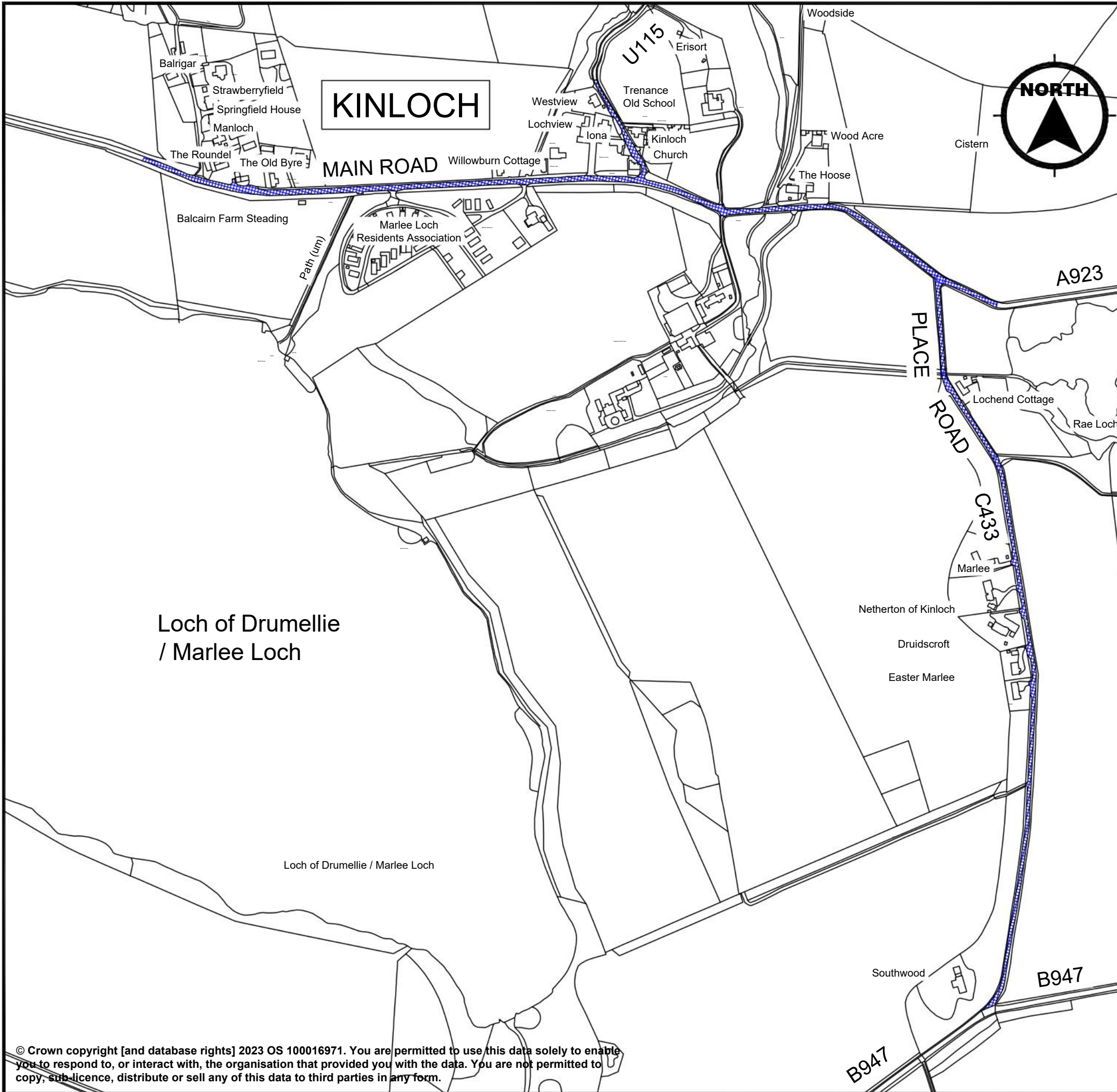
Communities

Drawn by: MS  
 Checked by: MW  
 Approved by: BW  
 Date: 29/04/2023

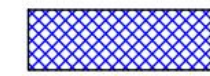
Executive Director - B.Renton BA Hons

Drawing Scales: NTS  
 Project Code: 30mph 2023  
 Drawing No: 08

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**LEGEND:**



Proposed 30mph Speed Limit



Proposed Traffic Regulation Order  
Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x

Legal 9

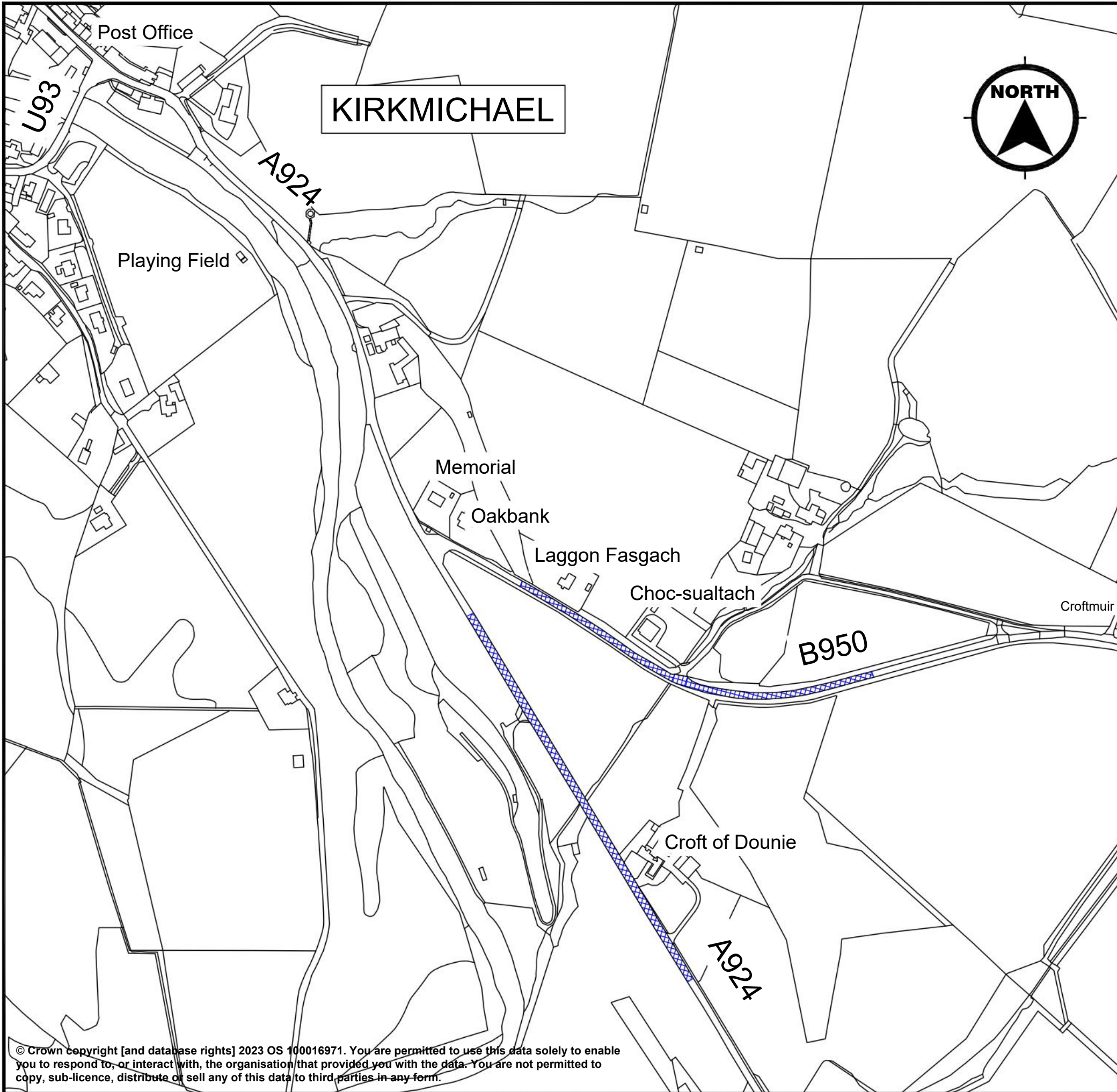
Kinloch, Blairgowrie (Ward 3)

Communities

Executive Director - B.Renton BA Hons

Drawn by: MS  
Checked by: CL  
Approved by: BW  
Date: 29/04/2023

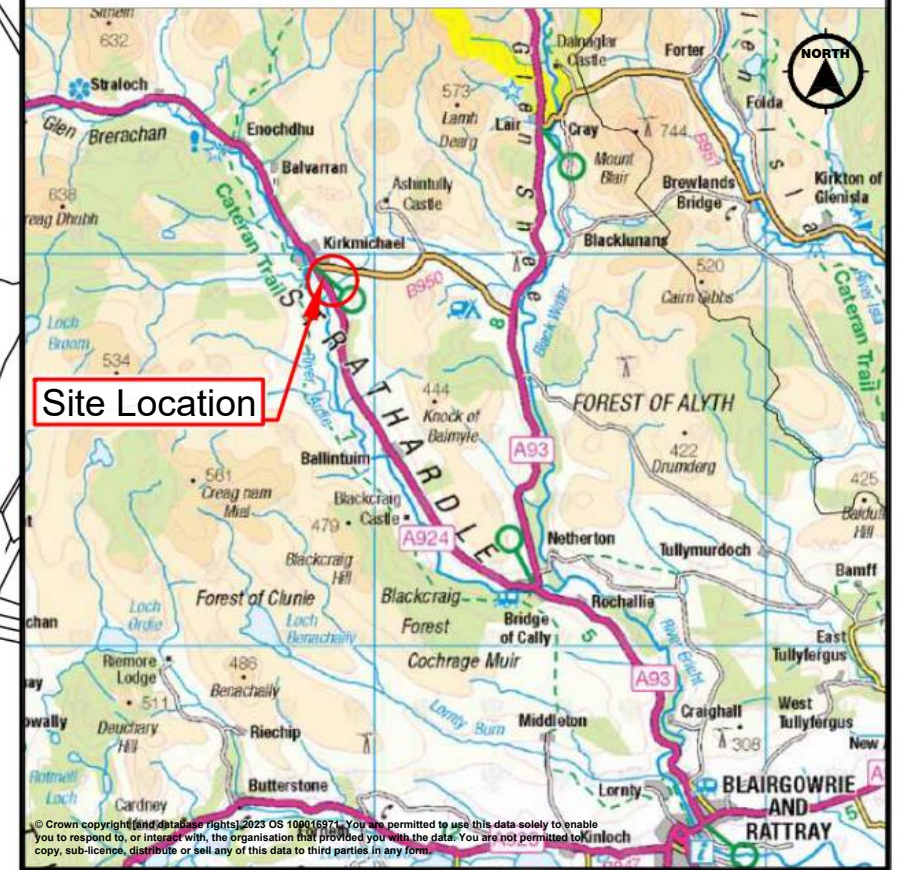
Drawing Scales: NTS  
Project Code: 30mph 2023  
Drawing No: 09



**LEGEND:**



Proposed 30mph Speed Limit



Site Location



Proposed Traffic Regulation Order  
 Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x  
 Legal 10  
 A924 & B950 Kirkmichael, Blairgowrie (Ward 3)

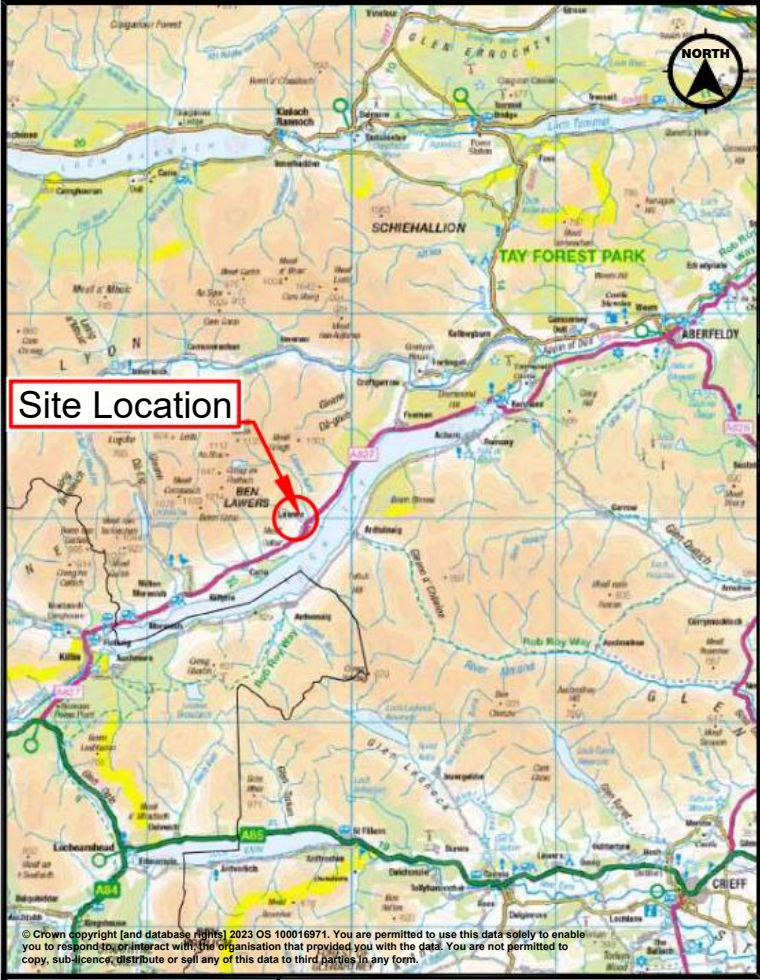
Communities

Executive Director - B.Renton BA Hons

Drawn by: MS  
 Checked by: CC  
 Approved by: BW  
 Date: 29/04/2023

Drawing Scales: NTS  
 Project Code: 30mph 2023  
 Drawing No: 10

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Site Location

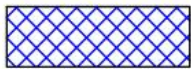
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# LAWERS

LOCH TAY

**LEGEND:**

 Proposed 30mph Speed Limit



Proposed Traffic Regulation Order  
Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x

Legal 11

Lawers (Ward 4)

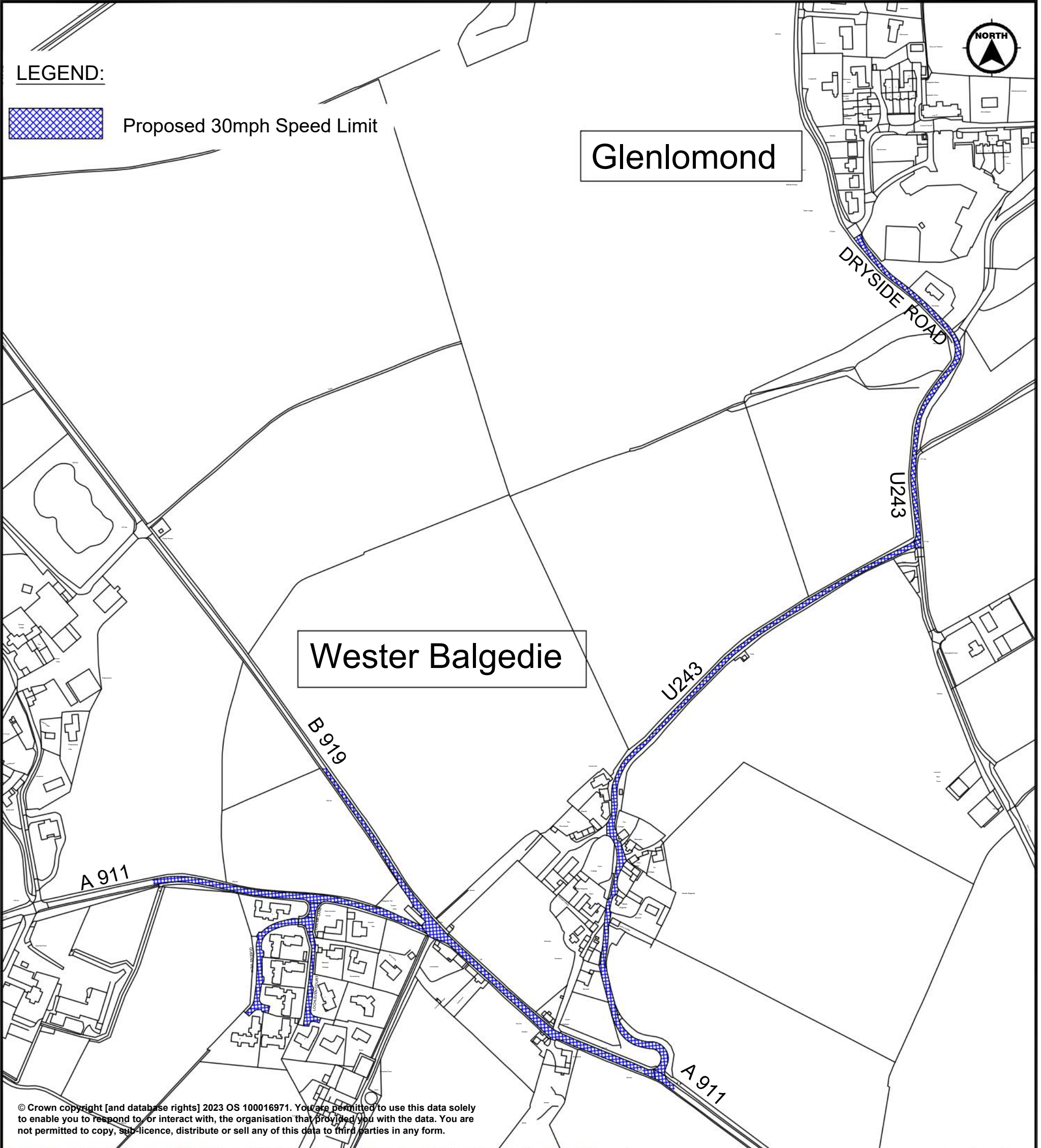
Communities

Executive Director - B.Renton BA Hons

Drawn by: MS  
Checked by: CC  
Approved by: BW  
Date: 29/04/2023

Drawing Scales: NTS  
Project Code: 30mph 2023  
Drawing No: 11


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| Suffix     | Revision Details | by | Apprvd | Date |
|------------|------------------|----|--------|------|
| AMENDMENTS |                  |    |        |      |



**PERTH & KINROSS COUNCIL**

Communities

**Proposed Traffic Regulation Order**

Perth & Kinross Council (Restricted Roads) (Variation) (No 38) Order 202x

Legal 12

Wester Balgedie & Glenlomond, Kinross (Ward 8)

---

Executive Director - B.Renton BA Hons

Drawn by: MS

Checked by: CL

Approved by: BW

Date: 29/04/2023

Drawing Scales: NTS

Project Code: 30mph 2023

Drawing No: 12



**Blair Watt**

---

**From:** Blair Watt  
**Sent:** 13 July 2023 08:55  
**To:** [REDACTED]  
**Cc:** Bridget Mitchell; Daryl McKeown  
**Subject:** RE: Restricted roads no 202X

Dear [REDACTED]

Thank you for your comments regarding the proposed 30mph Speed Limit amendments in Kinloch and please accept my sincere apologies for the delay in responding you.

It is proposed to amend the speed limit to 30mph to improve compliance. Given the road width, alignment and the limited frontage development at Kinloch, we do not believe that the 20mph is the most appropriate speed restrictions. Setting the speed limit unrealistically low in Kinloch has led to poor compliance. If vehicle speeds come down, or there is further development in Kinloch, we can consider lowering the speed limit further.

Can you please confirm if you wish to withdraw or maintain your objection to the Traffic Regulation Order by Friday 21 July 2023 ? If you maintain your objection, we are required to report to the appropriate Council Committee to seek a decision on how to proceed.

If you require any further information, please don't hesitate to contact me.

Kind Regards

Blair Watt | Project Officer

Road Safety | Traffic and Network | Housing and Environment Perth & Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Phone: 01738 476944 Mobile: 07827 357105 Email: bwatt@pkc.gov.uk

-----Original Message-----

**From:** CDS Legal Sevices <LegalServices@pkc.gov.uk>  
**Sent:** Monday, June 12, 2023 11:08 AM  
**To:** Blair Watt <BWatt@pkc.gov.uk>  
**Cc:** Faye Wilson <FWilson@pkc.gov.uk>  
**Subject:** FW: Restricted roads no 202X

Hi Blair, this came into our generic email - I understand you would deal with these.

Many thanks.

Fiona

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Monday, June 12, 2023 8:09 AM  
**To:** CDS Legal Sevices <LegalServices@pkc.gov.uk>  
**Subject:** Restricted roads no 202X

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

As a resident of [REDACTED], Kinloch, ( where there are over 100 elderly residents)I would like to formally complain about the proposed 30 mph speed limit,, it's at 20 mph just now and it does nothing to keep vehicles from speeding ,, there is no path for pedestrians walking/cycling into town and only 2 buses per day ,, there are many blind corners ,, it's very dangerous and frightening even with the 20 limit because very few drivers stick to it ,, if it was to rise to 30 then drivers will go even faster ,, I have had 2 of my cats run over on this road , 1 died and 1 had a leg amputated and I know I'm not the only person to lose a cat here,, I know of many others who don't let their cats out because of it, We want more traffic calming here not raised speed limits, many residents are considering moving because of the dangerous road Regards [REDACTED]

[REDACTED] Sent from my iPhone

## PERTH AND KINROSS COUNCIL

### Environment, Infrastructure & Economic Development Committee

20 September 2023

#### DEVELOPER CONTRIBUTIONS AND AFFORDABLE HOUSING SUPPLEMENTARY GUIDANCE UPDATES

Report by Head of Planning and Development  
(Report No. 23/259)

#### 1. PURPOSE

- 1.1 This report is presented to the Environment, Infrastructure & Economic Development Committee, as agreed at its meeting on 31 May 2023 ([Report No. 23/170](#)), to update on the proposed changes to the adopted [Developer Contributions and Affordable Housing Supplementary Guidance](#) (DC&AH SG) 2020.
- 1.2 At its meeting on the 31 May, the Committee approved the recommended updates to the DC&AH SG (2020) and to initiate a period of public consultation on those updates. This report provides a summary of the responses collected from that consultation, and any further changes that have been made to the DC&AH SG (2023) since it was last reported to Committee.
- 1.3 The DC&AH SG is required to support Policy 5 (Infrastructure Contributions) and Policy 20 (Affordable Housing) of the adopted [Local Development Plan 2 \(2019\)](#) (LDP2). The current iteration of the DC&AH SG was approved by the Council's Strategic Policy and Resources Committee on 29 January 2020 ([Report No. 20/25](#)), and subsequently approved by Scottish Ministers and adopted as statutory supplementary guidance.
- 1.4 A copy of the DC&AH SG (2023) document, including any changes made as a result of feedback from the recent period of public consultation, is appended to this report (Appendix 1).

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that Committee:
  - i) notes 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.
  - ii) remits the Executive Director (Communities) to finalise the Supplementary Guidance, and to submit to Scottish Ministers, and to issue the adopted Supplementary Guidance following Ministerial consideration.

### **3 STRUCTURE OF REPORT**

3.1 This report is structured over the following sections:

- Section 4: Background
- Section 5: Public Consultation
- Section 6: Conclusion
- Appendices

### **4. BACKGROUND**

- 4.1 The Developer Contributions and Affordable Housing Supplementary Guidance (DC&AH SG) includes the legal and policy background for developer contributions to mitigate the impact of consented new development, and details the Council's Affordable Housing requirement. It provides guidance relating to developer contributions for Primary Education, the Auchterarder A9 Junction Improvements, and Transport Infrastructure around Perth.
- 4.2 Developer contributions can either be physical delivery on site or through a financial payment. Developer contributions will only be sought where they meet the tests of [Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements](#). In order to support the LDP2 policy implementation, the Council developed this statutory Supplementary Guidance which has been updated and was presented to the Committee on 31 May 2023 (Report No. 23/170 refers).
- 4.3 The DC&AH SG (2023) will remain within the policy framework of the adopted statutory Local Development Plan 2 (2019), with future policy changes being considered as part of the Council's development plan review for Local Development Plan 3.

### **5. PUBLIC CONSULTATION**

#### **Summary**

- 5.1 Following Committee approval on 31 May 2023, an 8-week period of public consultation was initiated on Friday 9 June, concluding on Friday 4 August.
- 5.2 The consultation was hosted on the Consultation Hub online platform and was promoted via the Council's corporate social media accounts. Consultation documents published online for interested stakeholders included: the draft DC&AH SG (2023) documents, a summary of key changes, Strategic Environmental Assessment (SEA) Screening documents, and links to other relevant documents such as the adopted Supplementary Guidance, Local Development Plan, and Local Housing Strategy. Hard copies of the draft DC&AH SG (2023) and SEA Screening documents were also provided at Pullar House reception; a requirement of the SEA Regulations.

- 5.3 Feedback on the DC&AH SG (2023) was gathered using a questionnaire. A copy of the Consultation Hub questionnaire is appended to this report (Appendix 2).
- 5.4 The Consultation Hub collected six responses. One further response was submitted to officers via email, and this has been accepted. Responses were submitted by: the development sector (4), community groups (2), and anonymous (1).
- 5.5 An overview of the public consultation process and responses were presented to the Affordable Housing Member Officer Working Group (MOWG) on 14 August 2023. The MOWG discussion has informed the amendments set out below.
- 5.6 The following section of the report considers the draft guidance, the comments that were received through the public consultation, and the changes made to the guidance, where considered appropriate.

### **Summary of Responses**

- 5.7 A summary of the consultation comments, with officers' responses, is appended to this report (Appendix 3). Some themes raised in the consultation comments are:
- Primary Education: comment on existing 80% capacity trigger for contributions,
  - Transport: clarification on the new point regarding LDP2 Site MU70 Perth West (Paragraph 6.5),
  - Transport: comment on general basis of the Transport Infrastructure contribution requirement,
  - Affordable Housing: availability and delivery,
  - Affordable Housing: comments in support of retaining the existing credits system,
  - Affordable Housing: comments regarding flexibility on the 25% minimum provision requirement to respond to viability concerns and local needs,
  - General: comment suggesting better clarity on the intended adoption process being undertaken by the Council, following the public consultation.

### **Changes to Draft Guidance**

- 5.8 Officers have carefully considered the feedback received from the public consultation and changes have been made to the draft Supplementary Guidance document. Changes resulting from the consultation comments are set out in full at Appendix 3 of this report. Other changes made to the document by officers are highlighted as 'tracked changes' in Appendix 1, with examples as follows.

## Part 1 – Developer Contributions

- 5.8.1 This part of the Guidance is to be renamed “Part 1 – Policy Implementation and Developer Contributions” to acknowledge the preliminary sections of the document that apply to Part 1 and Part 2.

## Part 2 – Affordable Housing

- 5.8.2 Deletion of the map of City Centre zone (Part 2 Paragraph 3.3) as this is already shown at Appendix 4.
- 5.8.3 In line with the existing process, text is added at paragraph 3.9.3 of the DC&AH SG (2023) to reinstate guidance from the adopted DC&AH SG (2020) which confirms that revised commuted sum rates will be published on the Perth and Kinross Council website.

## Next Steps

- 5.9 The next step in the process of adopting the Supplementary Guidance is to submit the revised guidance to Scottish Ministers, which is necessary for the guidance to retain its statutory status. If approved, the proposed changes would then take effect legally.
- 5.10 Prior to its adoption, the DC&AH SG (2023) will be formatted in a style in keeping with the Council's other [Supplementary Guidance documents](#) for publishing online.
- 5.11 Officers in the project team will continue to engage with community groups, the development sector, and other stakeholders through the preparation of other key documents, policies, and strategies, such as the local development plan review.

## 6. CONCLUSION

- 6.1 This report provides an overview of the recent public consultation on the draft Developer Contributions and Affordable Housing Supplementary Guidance (2023), and the outcomes of that consultation.
- 6.2 As reported in May 2023, the guidance is to remain within the policy framework of the adopted statutory Local Development Plan 2 (2019), with future policy changes being considered as part of the Council's [development plan review](#) for Local Development Plan 3.
- 6.3 It is recommended that the Committee agree the proposed guidance (Appendix 1) and proceed to submission to Scottish Ministers.

**Author**

| <b>Name</b> | <b>Designation</b>                | <b>Contact Details</b>                                                                               |
|-------------|-----------------------------------|------------------------------------------------------------------------------------------------------|
| Lucy Sumner | Development Contributions Officer | (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) | 7 September 2023 |

**APPENDICES**

- Appendix 1 – *Draft Developer Contributions and Affordable Housing Supplementary Guidance (Parts 1 and 2)*
- Appendix 2 – *Copy of Consultation Hub questionnaire*
- Appendix 3 – *Summary of comments and changes*

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>No</b>             |
| Asset Management (land, property, IST)              | <b>No</b>             |
| <b>Assessments</b>                                  |                       |
| Equality Impact Assessment                          | <b>No</b>             |
| Strategic Environmental Assessment                  | <b>No</b>             |
| Sustainability (community, economic, environmental) | <b>Yes</b>            |
| Legal and Governance                                | <b>Yes</b>            |
| Risk                                                | <b>No</b>             |
| <b>Consultation</b>                                 |                       |
| Internal                                            | <b>Yes</b>            |
| External                                            | <b>Yes - required</b> |
| <b>Communication</b>                                |                       |
| Communications Plan                                 | <b>No</b>             |

The Impact & Value Assessment (IVA) has been designed to screen every Council project, strategy or proposal against statutory and non-statutory environmental, social and economic requirements. It has replaced the previous existing Integrated Appraisal Toolkit (IAT).

[DC&AH SG 2023 Impact & Value Assessment Report](#)

[DC&AH SG updates - Committee Annex Checklist](#)

[DC&AH SG updates - Impact Assessments](#)

[DC&AH SG updates - Strategic & Resource Implications](#)

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 This report supports the following priorities within the Community Plan 2022-27:
- (i) Mental and physical wellbeing
  - (ii) Skills, learning and development



## 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 subject of this report does not introduce new commitments for revenue or capital funding. The subject of this report does not require revenue or capital funding. Any income ingathered via payment of developer contributions and affordable housing commuted sums is a financial consideration, however the use of these funds is clearly defined in the relevant Local Development Plan policies, in the supplementary guidance, and in legal agreements, where applicable.
- 2.2 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.

### Workforce

- 2.3 There are no workforce implications resulting from this report. The Corporate Human Resources Manager must be consulted on all proposals with workforce 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 Corporate Human Resources Manager has been consulted, and has indicated agreement with the proposals.

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

- 2.4 There are no asset management implications resulting from this report. The Director (Environment) must be consulted on all proposals with land and property 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 Director (Environment) has been consulted, and has indicated agreement with the proposals.

## **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](#). The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and have been assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment (SEA)

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. A Screening Report has been provided to SEA Gateway. Having consulted the three consultation authorities and having considered the criteria set out in the Act, the Council considers that the Developer Contributions and Affordable Housing Supplementary Guidance (2023) is unlikely to have significant environmental effects. The relevant policy has been subject to assessment through the SEA of the Local Development Plan 2 (2019) so significant environmental effects as a result of the guidance that have not already been assessed elsewhere are unlikely. The Council has therefore determined that SEA is not required.

[230130 SEA screening DC&AH SG.docx](#)

### 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.

The proposals have been assessed against the Council's Principles for Sustainable Development.

### Legal and Governance

- 3.4 The Developer Contributions and Affordable Housing Supplementary Guidance is in place to support the policies contained within Local Development Plan 2 (2019), which forms part of the statutory development plan set by Town and Country Planning (Scotland) Act 1997 (as amended).
- 3.5 The Supplementary Guidance allows Perth and Kinross Council to enter into legal agreements with applicants/developers to secure the future payment or delivery of the types of contributions set out in the Guidance. It is important to review and update the Supplementary Guidance to ensure legal agreements reflect the appropriate level of and requirements for contributions. The Head of Legal and Governance Services has been consulted on the implications and terms of this report.
- 3.6 The Head of Legal and Governance must be consulted on all proposals with legal 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 Legal and Governance has been consulted.

### Risk

- 3.7 As the proposals outlined in this report represent an update to existing guidance already adopted by the Council, risk has been deemed low. There is an element of reputational risk when conducting public consultation. The proposals have been assessed for any implications within the corporate risk management process, and also the controls required to mitigate those risks.

## **4. Consultation**

### Internal

- 4.1 Officers from the following teams/ services have been consulted in the preparation of this report: Legal and Governance, Education and Children's Services (Resources), Roads Infrastructure, Corporate and Democratic Services (Accountancy), and Planning and Housing Strategy; Development Plans, Housing Strategy and Transportation and Development.

### External

- 4.2 This report acknowledges and summarises the responses received to the recent public consultation which were received from external stakeholders.

## **5. Communication**

- 5.1 The project team are contactable mainly via Teams (for internal stakeholders) or email and telephone. Any enquiries relating to the DC&AH SG should be directed to the project team in the first instance.
- 5.2 The Council's webpages for [Developer Contributions](#) and Affordable Housing have been updated since the public consultation closed advising stakeholders on the next steps of the adoption process. Further updates on progress will be published here, where necessary.

## **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.



**~~Draft~~ Developer Contributions and Affordable Housing Supplementary Guidance (2023)**

**[Finalised Draft]**

**Part 1: Policy Implementation and Developer Contributions**

DRAFT

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Please see [Part 2: Affordable Housing](#) for further guidance on affordable housing requirements.

## 1. Introduction

- 1.1 Across Scotland, local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth. This has been a particular issue in Perth and Kinross where the population grew by 5.3% in the period 2001- 2007. This growth is set to continue with the National Records of Scotland (NRS) population projections indicating that the Perth and Kinross population will increase by 4.5% (6,788 persons) for the period 2016-2026. This exceeds the national average of 3.2% and is the eighth highest growth projection in Scotland.
- 1.2 The increasing population has already placed heavy demands on public sector services and infrastructure capacity. If the population is to rise as the NRS projects, this will have an increasing impact on schools, community and leisure facilities, transport infrastructure and health services. It is unlikely that the growth projected for Perth and Kinross will be evenly spread across the Council area, placing an even higher demand for services and infrastructure in some already constrained areas. This will present significant challenges for the Perth & Kinross Council ("the Council") and its Community Planning partners.
- 1.3 The sustainable development of Perth and Kinross requires the provision of services in appropriate locations to meet the increasing needs of the expanding population. As a result, new investment in infrastructure will be required to keep pace with the increasing needs of an expanding population. Initial estimates suggest that investment exceeding £300 million at current prices is required in public sector infrastructure over the next 25 years in order to support this future growth. Maintaining current assets already places a heavy burden on the Council's budgets, leaving limited resources for investment in increasing infrastructure capacity.
- 1.4 It is neither sustainable nor good planning to wait until capacity is used up and then begin to recognise and address the problem. It will be necessary to analyse current capacity and future demand making the solution the collective responsibility of the Council and developers over the long term. This approach is the most equitable, sharing the cost with all development which places new demand on infrastructure capacity, rather than placing an uneconomic burden on a limited number of developers in later years.
- 1.5 With the population increase of Perth and Kinross driven by in-migration, largely from other parts of the UK, a partnership approach is required between the Council and developers to ensure infrastructure capacity is not to become a major constraint on new development.
- 1.6 Such partnerships have traditionally been facilitated through the use of Section 75 Planning Obligations which have become key mechanisms in the planning system for addressing and for mitigating the impact of new development. Although such obligations have been used to address specific issues arising from individual applications, they can also be used as the vehicle for a developer contribution policy which addresses the general issue of infrastructural requirements and seeks to bring about a fairer sharing of

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infrastructure costs.

- 1.7 This Guidance concentrates on the delivery of developer contributions to provide a means to secure contributions towards the provision of on-site facilities necessary in the interests of comprehensive planning, and/or, the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure. This Guidance also provides advice and information on the application of the affordable housing policy.
- 1.8 This Guidance should be read in conjunction with Local Development Plan Policy 5: Infrastructure Contributions and Policy 20: Affordable Housing.
- 1.9 ~~This d~~Draft Supplementary Guidance was approved by the Council's Environment, Infrastructure and Economic Development Committee for a period of public consultation on 31 May 2023. Public consultation was carried out between 9 June to 4 August 2023. It is proposed that, following that consultation, it will be submitted to Scottish Ministers for consideration. Following consideration by Scottish Ministers, and the necessary adoption procedures, the Supplementary Guidance will be adopted as statutory supplementary guidance.

## 2. Legal and Policy Background

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

*'(1) A person may, in respect of land in the district of a planning authority-*  
*(a) by agreement with that authority, or*  
*(b) unilaterally,*  
*Enter into an obligation (referred to in this section and in sections 75A to 75C as a "planning obligation") restricting or regulating the development or use of the land, either permanently or during such period as may be specified in the instrument by which the obligation is entered into (referred to in this section and in those sections as the "relevant instrument").'*

- 2.2 The most recent Government advice on the use of Planning Obligations is contained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Section 75 Planning Obligations enable local authorities to:
- regulate the sequence of development proposals;
  - achieve off-site infrastructure provision;
  - control the use of land or the nature of an activity carried out thereon;
  - secure the provision of affordable housing;
  - obtain financial contributions towards services or facilities.

- 2.3 In regard to financial contributions, Government advice states that:

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

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

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

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

2.6 Affordable Housing

2.7 The latest research by Perth & Kinross Council reinforces there is a continuing need for affordable housing with significant and ongoing levels of unmet affordable housing needs existing across Perth and Kinross, particularly in the Greater Perth Housing Market Area (HMA).

2.8 Affordable Housing guidance is now set out in [Part 2](#) of this document, to be read in conjunction with this ~~Developer Contributions (Part 1)~~ [of the](#) guidance.

### **3. Applying the Guidance**

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

3.2 The following principles apply to the application of this Guidance:

- The Guidance will be applied to sites identified in the adopted Local Development Plan and planning applications;
- The Guidance will not apply retrospectively to sites with full or 'In Principle' planning consent prior to each relevant section of the Guidance coming into effect; [Affordable Housing \(August 2005\); Primary Education \(May 2009\); Auchterarder A9 Junction \(August 2009\); Transport Infrastructure \(April 2014\);](#)

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- The Guidance will not be retrospectively applied to an application already submitted prior to the Supplementary Guidance being adopted, unless where:
    - (i) that would lead to an increased level in contributions being applied, or
    - (ii) a constraint has already been identified which may in the absence of this Guidance have resulted in a recommendation of refusal.
- 3.3 The Guidance will be applied to applications requiring the replacement or refurbishment of a dwellinghouse in the following circumstances:
- Where it has been vacant, and no Council Tax payments have been made within the 7 year period prior to the registration of a planning application;
  - Where it is dilapidated or derelict and would need extensive work, requiring planning consent, to become habitable.
- 3.4 Non-residential buildings are considered to be 'in use' if Non-Domestic rates have been paid in the 12 months prior to the submission of a planning application.
- 3.5 Where applications are submitted for the renewal of planning consent the Guidance will be applied in accordance with Appendix 5.
- 3.6 Where a new proposal replaces an existing development with planning consent the assessment will normally be applied to the net additional development. If a revised full planning application is submitted, or a full application which seeks to alter the number of units specified in an 'In Principle' application which predated the Guidance, as defined in paragraph 3.2, if the application is for a greater number of units then the Guidance will be applied to all net additional units. If a revised full planning application is submitted which seeks to increase the size of a non-residential use, the Guidance will apply to the additional Gross Internal Area. Where an application is made to modify or discharge a planning obligation or a Section 42 application to vary a condition, where the Core Development remains unchanged then any revised Guidance introduced since the original grant of planning consent will not normally be applied but each case will be determined on its own merits.
- 3.7 The Guidance sets out a framework of standard charges and formulae which form the basis for negotiating and securing Planning Obligations. However, in the case of large and/or complex developments contributions may need to be tailored to the particular scheme. This should make pre-application discussions easier and speedier because developers will have greater certainty about how much they will be expected to contribute.
- 3.8 In the case of applications for 'In Principle' planning permission where the development mix may not be known, a condition will be applied to any permission indicating that this Supplementary Guidance will be applied at the time of future applications. For larger proposals subject to a masterplan a contribution requirement may be secured through a legal agreement at the 'In Principle' stage to ensure certainty as the site progresses.
- 3.9 Delayed payment of contributions and affordable housing may be secured through a range of mechanisms as defined in Circular 3/2012 but will normally

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

- 3.10 Where contributions and affordable housing commuted sums are to be paid prior to planning consent being issued, this may remove the need for the use of a Planning Obligation. Where a developer is unable to pay the contribution in advance the Council will consider the phasing of the contribution with the development.
- 3.11 Where additional land is needed to facilitate infrastructure improvements, the developer may be required to either provide land on site or sufficient funding to acquire it. This may be offset against other developer contribution requirements.
- 3.12 In some circumstances, the Council may be willing to accept off-site provision on an alternative site. In such cases the details of both sites should be submitted together in order that the overall merits of the scheme can be assessed. The judgement as to whether off-site provision is acceptable will be based on a number of factors including: the desire to achieve balanced communities, the individual site circumstances in terms of location and accessibility.
- 3.13 In some cases, developers will provide the required infrastructure on the site themselves instead of paying the required contributions sum to the Council.
- 3.14 Implementing Infrastructure Capacity Improvements  
Providing the necessary infrastructure may require the Council to work in partnership with developers or upfront investment by the Council to be recouped at a later date. For example, a single development that might trigger the need for a new road junction may not in itself generate sufficient funds to meet the full cost of any required work. As it is impossible to build half or part of a junction, it is therefore likely that the Council would have to fund the work. It is therefore appropriate for the Council to request payments from subsequent developments benefitting from that investment until its costs have been recovered.
- 3.15 Development Viability  
Developers are expected to take the requirement for developer contributions and affordable housing into account in their financial appraisal prior to land deals and commercial decisions being taken. It is acknowledged that, in some cases, there may be abnormal development costs which were unknown at the time the site was purchased. In such circumstances, where the developer can demonstrate and clearly justify that there are exceptional costs, which render the development of the site unviable as originally proposed it will be required to demonstrate this to the Council's satisfaction through the submission of a 'Development Viability Assessment'. Only in very exceptional circumstances where there are excessive, previously unknown, abnormal costs will it be likely that the Council will agree to reduce or give exemption from the requirement to developer contributions or affordable housing. As such, it is anticipated that the submission of a Development Viability Assessment will be the exception rather than the rule. Standard development costs such as demolition works, retaining and ground works, landscaping, archaeological investigations, drainage works,

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site purchase, site servicing and flood prevention works will not normally be accepted as abnormal costs. Abnormal costs should be reflected in the purchase price of land and in this respect, the developer will be asked to demonstrate that abnormal costs were not known at the time the site was purchased.

- 3.16 The Development Viability Assessment should be submitted at the earliest opportunity. All Viability Assessments' must be carried out by an independent practitioner and suitably qualified chartered valuation surveyor at the developers' expense.

A Viability Assessment must include, where applicable;

- Information of land values paid for the site or where no recent land transaction has taken place the Market Value (with supporting evidence and assumptions made);
- Anticipated land sales values of sites to be sold on, such as medical centre, elderly persons care homes etc. (i.e. Not residential sites);
- Plans;
- Schedules of housing mix (Market and Affordable) including type, size and numbers. Gross/Net area schedule for build cost/value analysis;
- Details of S.75 proposals and specifications, as appropriate;
- Confirmation of S.75 assumptions and status of discussions with the Council;
- Design and Access statement (if applicable and available);
- Detailed appraisal (current costs/values) and cash flow;
- Explanation of financial assumptions;
- Explanatory note on all appraisal assumptions;
- QS's detailed cost budget on externals, infrastructure and abnormal;
- Build specification;
- Detailed breakdown of end sales values for market residential elements (with supporting evidence);
- Programme (incl. construction and sales start/end for each phase);
- Rents and yield assumptions for all commercial elements (with supporting evidence);
- Assumptions on all grant funding and (where appropriate) evidence of transactions/negotiations with RSL's;
- Analysis of affordable housing provision and compatibility with prevailing policy requirement

Once a Development Viability Statement is received by the Council it will be independently reviewed by the District Valuer Service (DVS) or an alternative third party advisor agreed by, and acting on behalf of the Council. This will be carried out at the developers expense with costs determined on an individual basis. The requirement for independent verification of Viability Assessments will only be removed where the time and cost associated with this process is disproportionate to the amount of developer contributions required. Each case will be determined by the Council on its own merits. The outcome of the Viability Assessment review will not be binding on the Council but may inform any recommendation to the Conveners of the relevant Committees and local area Councillors.

- 3.17 The sensitive nature of some financial information is acknowledged and therefore where requested the content of the Assessment will remain confidential between the applicant and named officials within the Council,

independent assessor and the Convenors of the Relevant Committees. The position regarding statements and the Freedom of Information (Scotland) Act 2002 means should they need to be available to the public, they will be redacted with all figures and commercially sensitive wording blanked out. The statements will then be presented to the developer for agreement, prior to being made available for publication on the Public Access portal on the Council website. Only in very exceptional circumstances where there are excessive, previously unknown, abnormal costs will it be likely that the Council will agree to reduce or give exemption from the requirement to developer contributions or affordable housing. As such, it is anticipated that the submission of a Development Viability Statement will be the exception rather than the rule.

### 3.18 Accountability

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

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

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

Developers will have 12 months in which to reclaim any contribution. Where contributions are returned, interest will be made payable at 0.25% below the Bank of Scotland base rate.

### 3.20 Phasing of Payments

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

## 4. Primary Education and New Housing Development

### 4.1 Introduction

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

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

4.3 The NRS 2016 based population projections indicate that Perth and Kinross has the eighth highest growth rate across all of Scotland. With a high proportion of the existing primary school estate currently working at or near capacity, projected school roll increases may result in the need to replace or expand primary schools within Perth and Kinross in addition to the construction of a number of additional primary schools in the Strategic Growth Areas. To ensure that primary infrastructure capacity does not become a major constraint on new development a partnership approach is required between the Council and developers.

4.4 Principles of the Guidance

The Guidance will be applied to new housing in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school has been operating at over 80% for 5 out of the previous 7 years and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. Where the Council has funded an increase in Primary School capacity to meet the needs of new development contributions may be required from future development until a proportionate cost of the school improvements is received. This position will be reviewed annually.

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4.5 The following key principles will apply:

- Proposed residential dwellings of two or more bedrooms, along with consents for the change of use from or replacement of sheltered accommodation, or for conversions from alternative uses to residential where the units comprises two or more bedrooms, will make a full contribution;
- Proposed one bedroom apartments, where it is clear that no additional rooms could be used as bedrooms, will not be required to pay a contribution. A one bedroom apartment can consist of the following rooms, sitting room, kitchen, bathroom, single bedroom; Proposed ancillary accommodation linked to an existing dwellinghouse will not be required to pay a contribution;
- Proposed extension of a single bedroom dwelling to create residential units of two or more bedrooms will not be required to make a contribution if the existing dwelling has been occupied as a single bedroom dwelling for the 7 year period prior to the registration of a planning application. Where this 7 year exemption is not met then the contribution requirement will be assessed on an individual basis;

- Affordable & Council housing will not be required to pay contributions. Affordable Housing is as defined in section 7 of this Guidance;
- Developments of 20 units or less in the Perth City Centre Zone as defined in Appendix 4 will not be required to make a contribution. Where a proposal is for 20+ units then the contribution requirement will be assessed on an individual basis;
- Applications for dwellings which are not likely to place an additional burden on the existing schools, for example, student accommodation linked to a College/University or holiday accommodation would not be expected to make a contribution;
- Sheltered housing may not be required to pay a contribution. The proposed Use Class in line with the Town and Country Planning (Use classes) (Scotland) Order 1997 will be used in the determination of the requirement. Proposals which fall under Use Class 8: Residential institutions will be exempt. Proposals which fall under Use Class 9: Houses will be determined on an individual basis.

#### 4.6 Developers Funding

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

#### 4.7 Applying the Guidance

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

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

#### 4.9 Determining Contribution Levels

In order to provide a clear picture of expectations and to ensure parity of contribution across areas of need, it is considered that a formula based on the average number of children per household and the average cost of creating

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additional primary school capacity would be appropriate. This introduces both a demographic and construction cost variable. The rate may be revised annually to include indexation based on BCIS General Build Cost Index.

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

4.11 Developer Contribution Rates per Dwelling

| Type of Dwelling         | Contributions                      |
|--------------------------|------------------------------------|
| 1 Bedroom Dwellinghouse  | No Contributions Required          |
| Sheltered Housing        | Determined on an Individual Basis. |
| Affordable Housing       | No Contributions Required          |
| 2+ Bedroom Dwellinghouse | <b>£6,300</b>                      |

4.12 Calculation of Contributions

- Cost per pupil - £23,334
- Pupil Product Ratio - 0.27
- Total Contribution per House  
~~£23,334 X 0.27 = £6,300~~

## 5. Auchterarder A9 Junction Improvements

5.1 Introduction

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

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

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

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

5.5 Principles of the Guidance

The following key principles will apply:

- The contribution for a single dwelling will be £3,450;
- A contribution will be sought from all residential developments within the identified boundary of the wider Auchterarder area including single houses

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with the exception of affordable housing. Affordable housing is as defined in Part 2 of this Guidance;

- The contributions for residential development will be calculated pro rata according to the number of dwellings involved;
- This Guidance will not apply to areas within the approved Auchterarder Development Framework;
- For non-residential developments within the identified boundary that have a trip generation equal to or higher than a dwellinghouse, an assessment for contributions will be made on a case-by-case basis. However where it is considered the proposed development would reduce the need to travel e.g. through the provision of local employment or services, the Guidance would not apply;
- Out-with the identified boundary area, but within the Strathearn Housing Market Area, a contribution would only be sought from developments that require a Transport Assessment which identified that the development would have an impact on the A9 junctions within the boundary area at Auchterarder.

#### 5.6 Applying the Guidance

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

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

#### 5.8 Developer Contribution Calculation

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

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

### 6. **Transport Infrastructure**

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

6.2 The Council is seeking contributions from a package of measures which are essential to support the delivery of the Local Development Plan (LDP). The projected costs of the infrastructure have been estimated in line with industry

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standards. The current working estimates are as follows:

| Element                                  | Cost £         |
|------------------------------------------|----------------|
| Cross Tay Link Road (“CTLR”)             | £150.47m       |
| A9/A85 Crieff Road junction improvements | £49.4m         |
| <b>Total</b>                             | <b>£199.8m</b> |

Note: These are based on 2022 estimates

- 6.3 Updated Traffic Modelling has been undertaken in 2018 which has identified that 50% of future traffic growth is associated with new development sites in the LDP2. The contribution level is therefore calculated on the basis of 50% of the total costs (£99.9m), the remainder (£99.9m) being sought through other mechanisms.
- 6.4 The Transport Infrastructure contributions collected through this mechanism will only be used for the identified packages outlined in Paragraph 6.2. This contribution shall be considered as being additional to any other cumulative or site-specific transport contribution required in relation to the development. Following appropriate assessment, proportionate contributions or mitigation will be sought for work to the strategic transport network at the A9 Broxden junction. Early discussions are recommended to establish specific requirements. Proportionate contributions or mitigation may also be sought for rail infrastructure, the Inveralmond junction or the Perth Park and Ride Schemes.
- 6.5 Following appropriate assessment, proportionate contributions or mitigation will be sought toward the infrastructure to be delivered by Perth & Kinross Council at LDP2 Site MU70 (Perth West), including an A9 underpass to address site severance. Early discussions with the planning authority, prior to the submission of any planning application, are strongly recommended to establish specific requirements, and will apply to/from landowners/ developers within MU70.
- 6.6 Principles of the Guidance  
 Subject to the exceptions set out in this policy, this Supplementary Guidance applies to all development within the defined boundary identified in Appendix 3. This is because the transport appraisal relating to this Guidance illustrates a link between all development in the defined area and the impact which the defined transport improvements seek to mitigate, as per the guidance in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The full contribution level applies to all development within the identified Perth Core Area which is defined by settlements in this area having more than a 19% impact on the transport infrastructure. The reduced contribution level applies to all development out-with the Perth Core Area which is defined by settlements in this area having a 12% - 19% impact on the transport infrastructure. Out with the defined boundaries no contributions will be required, except for development for which a Transport Assessment is necessary and then identified as having a significant direct impact on any element of the infrastructure package (i.e. 12% or above). In such cases a higher contribution may be applied.

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- 6.7 Residential developments of 20 units or less in the Perth City Centre Zone, as defined in Appendix 4 will not be required to make a contribution. Where a proposal is for 20+ units, then the contribution requirement will be assessed on an individual basis.
- 6.8 In order to support the economic growth of Perth and Kinross, new employment uses which fall under the Employment Land Use category of the Transport Infrastructure section of this Guidance, and which are to be developed on brownfield land, will not be required to make a contribution. New employment uses on Greenfield land not cross subsidised by residential development will be considered on an individual basis. This will take account of the potential impact of the development and the extent to which the development directly benefits from the improved infrastructure. Extension of existing non-retail businesses on brownfield land will not be required to make a contribution.
- 6.9 The Retail contribution rate will only be applied to the trading floorspace of new or extension to existing retail developments. Non-trading and Back of House functions space will be calculated on the employment use category. Vehicular retail showrooms will be calculated based on the floorspace of proposed buildings.
- 6.10 Proposed buildings for agricultural use, such as cattle sheds and storage units needed to operate the farm business, will generally not be required to make a contribution. Office and Staff Buildings in association with agricultural use may be required to contribute.
- 6.10 Holiday accommodation including static caravan pitches and chalets will be calculated against the Residential – Affordable contribution rate. Temporary structures such as camping pods or touring caravan pitches will not be required to make a contribution.
- 6.11 Where a proposal supports specific Council objectives, such as regeneration or significant economic benefit but where it would not be viable due to the application of the Supplementary Guidance the Council may enter into negotiations to reduce the contribution with each case assessed and determined on its own merits.
- 6.12 Proposals for a change of use to form residential including the subdivision of existing residential property, but excluding agricultural buildings and ancillary accommodation/ residential garages, will not normally be expected to provide a contribution, unless they result in the creation of 5 or more residential units.
- 6.13 In the event of a contribution of land towards the development of the CTRL, the amount of contribution required under this mechanism may be revised. Each application will be considered on its individual merits, taking into account factors such as the value of the land, its condition and any remedial works required to make it suitable for use. Land values will be assessed independently by the District Valuation Service (or other mutually agreed appointee) with a joint brief being agreed between the Council and the applicant.
- 6.14 In circumstances where non-residential developments are proposed which typically do not include built internal floorspace (for example quarries, outdoor

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leisure operations etc.) but are judged through a Transport Assessment to have a demonstratable impact on the transport network, the contribution level will be calculated on an individual basis.

6.15 How is the Contribution Calculated?

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

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

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

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

6.18 Contribution Rates per Development

The contribution level will be reviewed within a 5 year period from adoption of the Supplementary Guidance. Any review will take account of updated costs in relation to the infrastructure projects such as land costs, detailed designs, inflation and construction costs. The rates set out in this guidance may be ~~revised~~ reviewed annually to account for ~~these~~ updated project costs and ~~implemented without further formality will be published on the PKC website~~. Any revised contribution level will not be applied retrospectively to consented planning permissions.

**Commented [LS1]:** Link to webpage to be inserted in final document. <https://www.pkc.gov.uk/ldp2developercontributions>

6.19 Perth Core Area

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

6.21 Full Contribution Area Rates

| Land Use                                | CTLR   | A9/A85 | New Total     |
|-----------------------------------------|--------|--------|---------------|
| Retail (m <sup>2</sup> )                | £139   | £46    | <b>£185</b>   |
| Employment (m <sup>2</sup> )            | £13    | £4     | <b>£17</b>    |
| Other Non-Residential (m <sup>2</sup> ) | £43    | £14    | <b>£57</b>    |
| Residential Open Market (per unit)      | £3,288 | £1,079 | <b>£4,367</b> |
| Residential Affordable (per unit)       | £1,644 | £540   | <b>£2,184</b> |

6.22 Reduced Contribution Area Rates

| Land Use                                | CTLR   | A9/A85 | New Total     |
|-----------------------------------------|--------|--------|---------------|
| Retail (m <sup>2</sup> )                | £104   | £34    | <b>£138</b>   |
| Employment (m <sup>2</sup> )            | £10    | £3     | <b>£13</b>    |
| Other Non-Residential (m <sup>2</sup> ) | £33    | £11    | <b>£44</b>    |
| Residential Open Market (per unit)      | £2,466 | £810   | <b>£3,276</b> |
| Residential Affordable (per unit)       | £1,233 | £405   | <b>£1,638</b> |

## Appendix 1 – Education Requirements

### Developer contributions requirements for individual schools

Version 5: 2023

Next Review: 2024

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

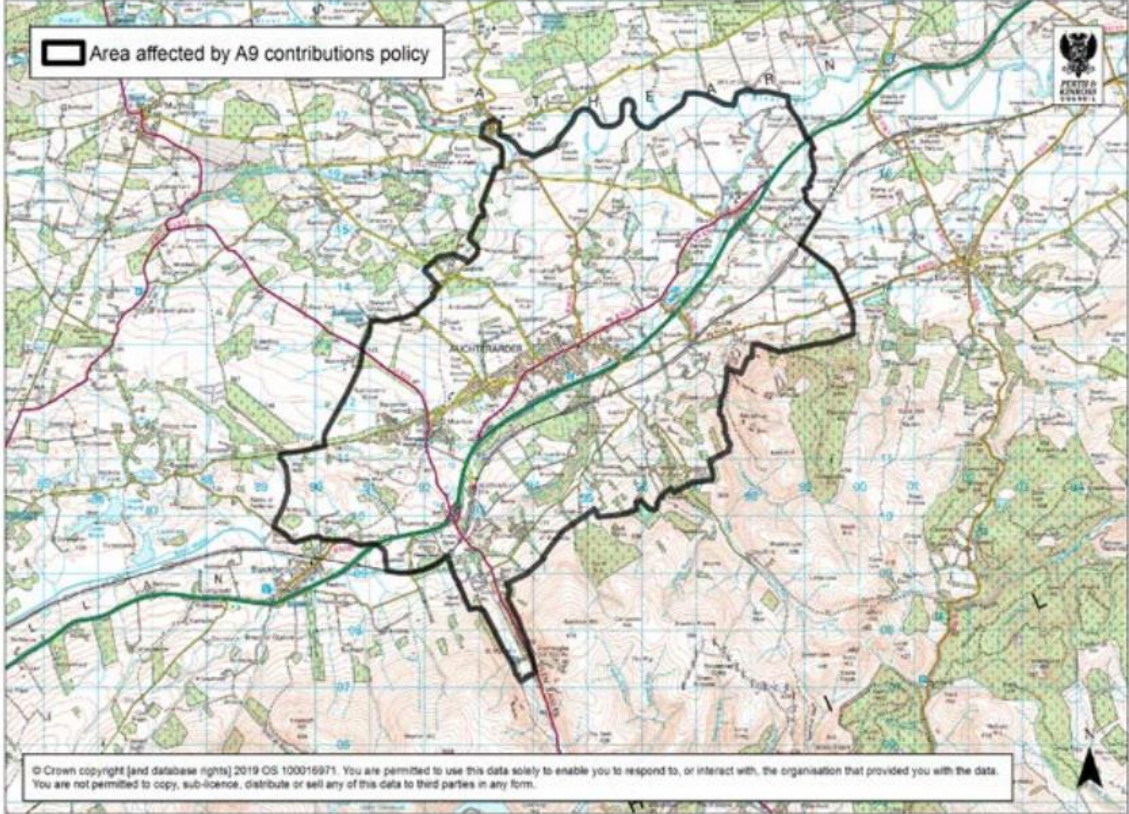
This schedule is based on selected schools which have been operating at above 80% for 5 out of the previous 7 years and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

Where the Council has invested in Primary Schools to support future development a contribution will be sought from new development within the relevant primary school catchment. Where investment has taken place this is identified below:

| Primary School                     | School Capacity | Capacity Issue      | Investment action                                   |
|------------------------------------|-----------------|---------------------|-----------------------------------------------------|
| <b>Auchterarder CS Cluster</b>     |                 |                     |                                                     |
| Auchterarder                       | 514             | Yes                 | Reconfiguration as required                         |
| <b>Blairgowrie High Cluster</b>    |                 |                     |                                                     |
| Newhill                            | 423             | Yes                 | Capacity required                                   |
| <b>Breadalbane Academy Cluster</b> |                 |                     |                                                     |
| N/A                                | N/A             | N/A                 | N/A                                                 |
| <b>Crieff High Cluster</b>         |                 |                     |                                                     |
| Crieff                             | 466             | Addressed by action | New School built (2015) with capacity for expansion |
| <b>Kinross High Cluster</b>        |                 |                     |                                                     |
| Kinross                            | 566             | Addressed by action | New School built (2017)                             |
| Milnathort                         | 257             | Yes                 | Capacity required                                   |
| <b>Perth Academy Cluster</b>       |                 |                     |                                                     |
| Robert Douglas Memorial            | 462             | Yes                 | Capacity required                                   |

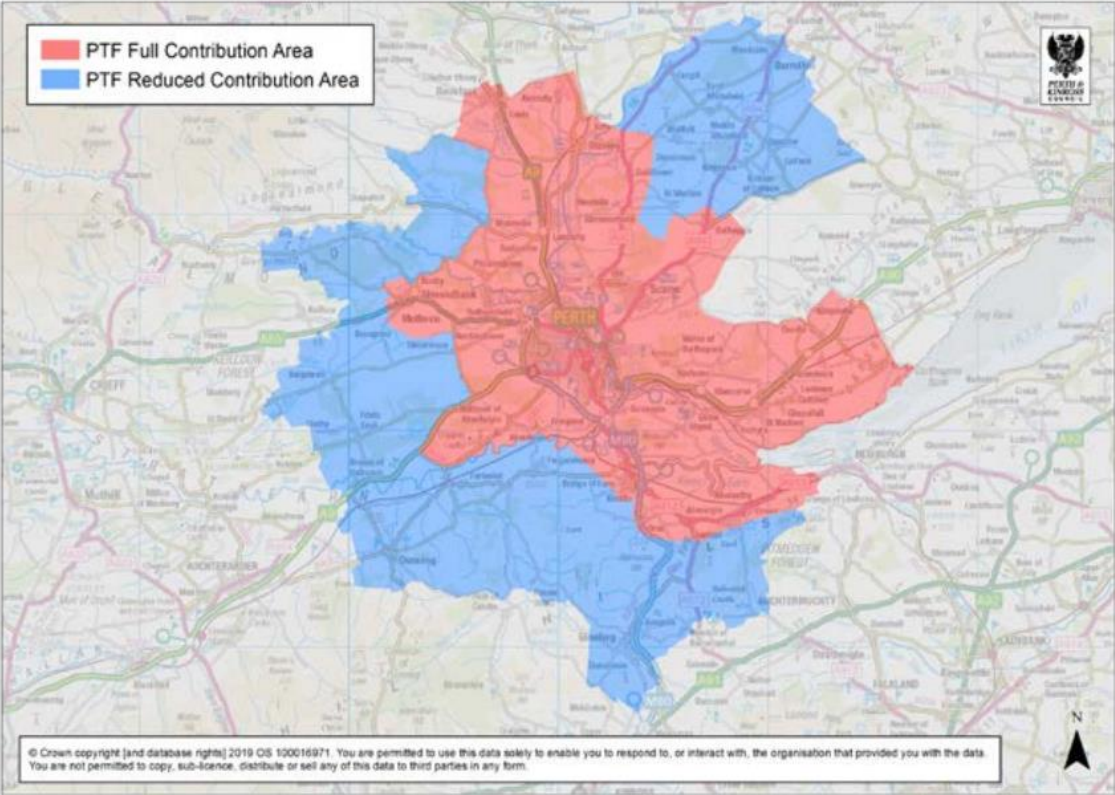
|                                                                                                                                                                                                                                                                                                                                                                                         |     |                     |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------------|----------------------------------|
| <b>Perth Grammar Cluster</b>                                                                                                                                                                                                                                                                                                                                                            |     |                     |                                  |
| Tulloch                                                                                                                                                                                                                                                                                                                                                                                 | 434 | Addressed by action | New school built (2018)          |
| <b>Perth High Cluster</b>                                                                                                                                                                                                                                                                                                                                                               |     |                     |                                  |
| Abernethy                                                                                                                                                                                                                                                                                                                                                                               | 283 | Addressed by action | Extension to school built (2013) |
| Dunbarney                                                                                                                                                                                                                                                                                                                                                                               | 207 | Yes                 | Capacity required                |
| Errol                                                                                                                                                                                                                                                                                                                                                                                   | 316 | Addressed by action | Extension to school built (2016) |
| Inchture                                                                                                                                                                                                                                                                                                                                                                                | 264 | Addressed by action | Extension to school built (2014) |
| Kinnoull                                                                                                                                                                                                                                                                                                                                                                                | 203 | Addressed by action | Extension to school built (2014) |
| <b>Pitlochry High Cluster</b>                                                                                                                                                                                                                                                                                                                                                           |     |                     |                                  |
| N/A                                                                                                                                                                                                                                                                                                                                                                                     | N/A | N/A                 | N/A                              |
| <b>Bertha Park High Cluster</b>                                                                                                                                                                                                                                                                                                                                                         |     |                     |                                  |
| <i>Note: Associated Primary Schools of Bertha Park High School are as follows and may be listed above within the existing Perth secondary school cluster: Auchtergaven Primary School, Dunbarney Primary School, Forgandenny Primary School, Logiealmond Primary School, Methven Primary School, Pitcairn Primary School, Ruthvenfield Primary School, Pupils resident in Oudenarde</i> |     |                     |                                  |

**Appendix 2 – A9 Junction Supplementary Guidance Boundary**

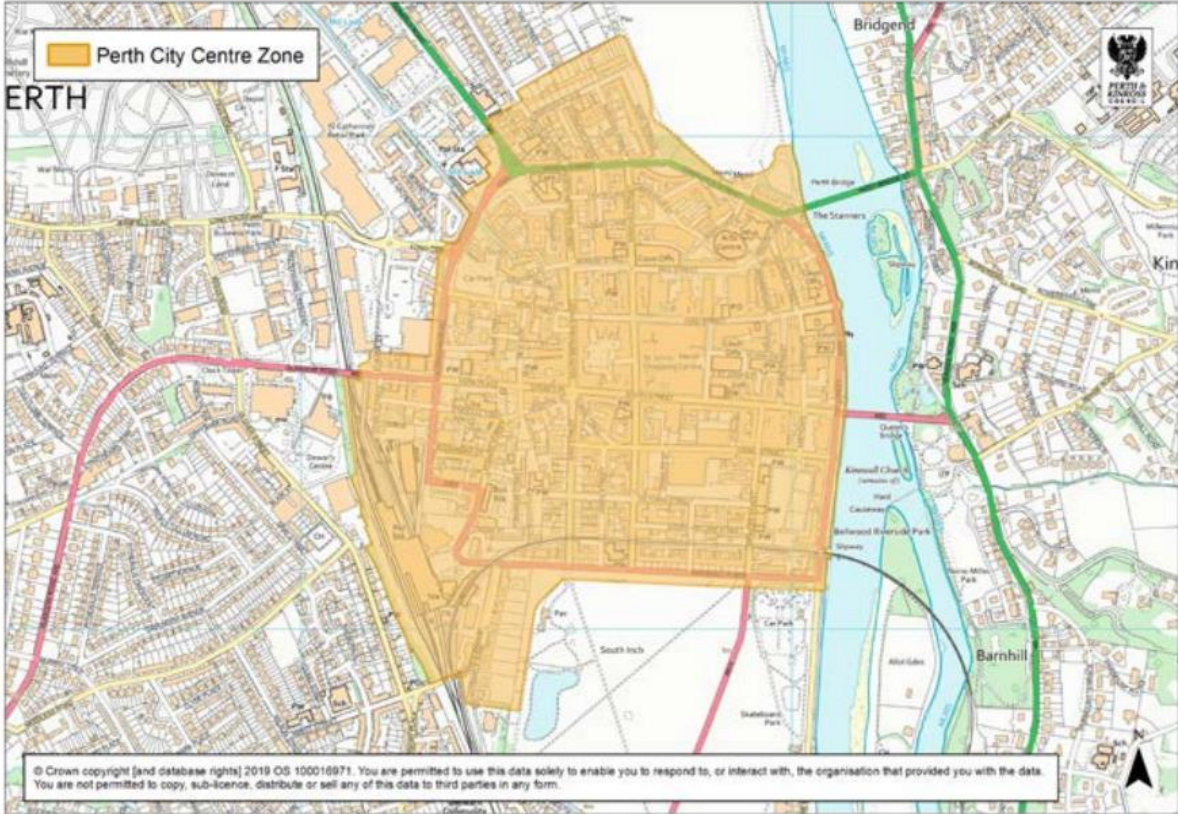




Appendix 3 – Transport Infrastructure Contributions Area

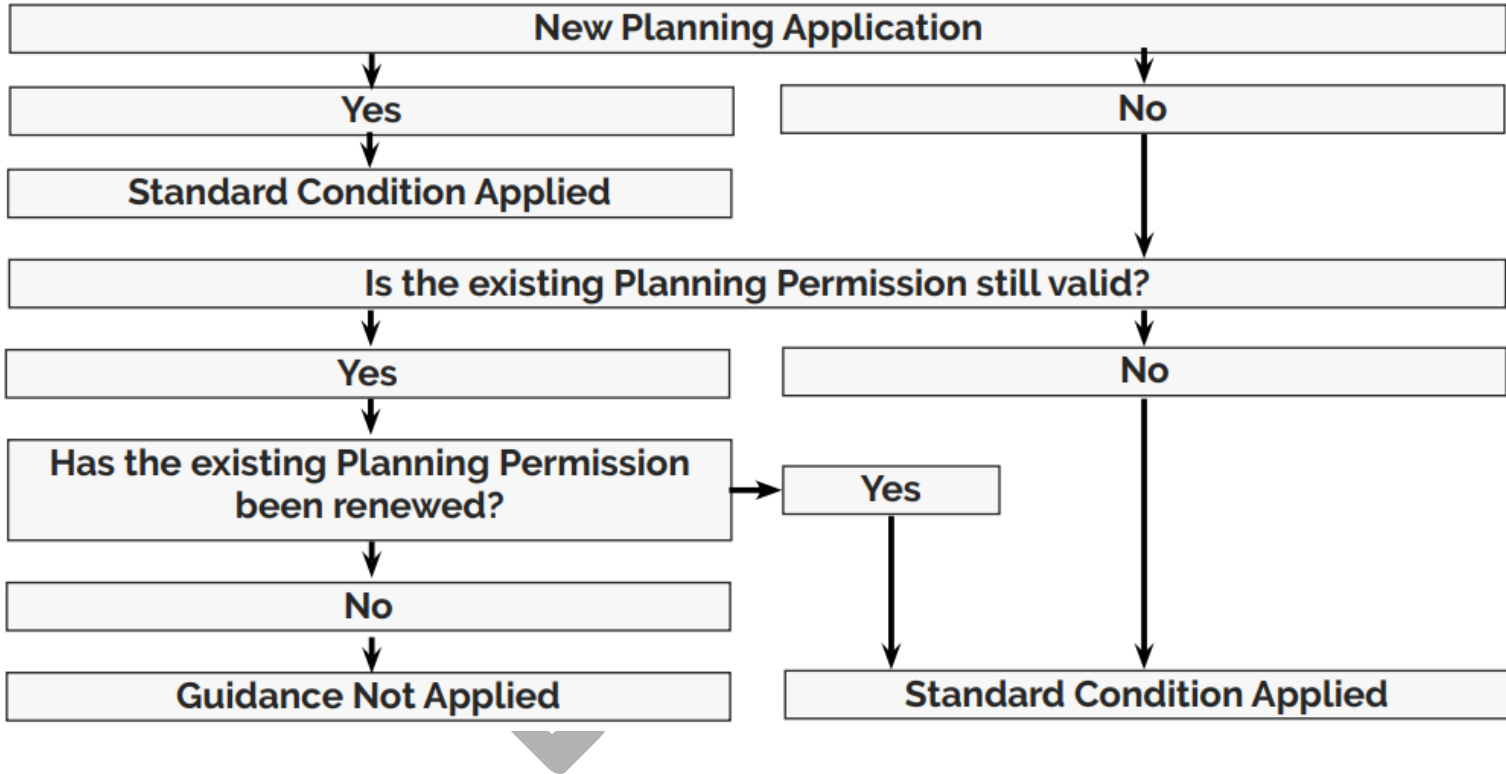


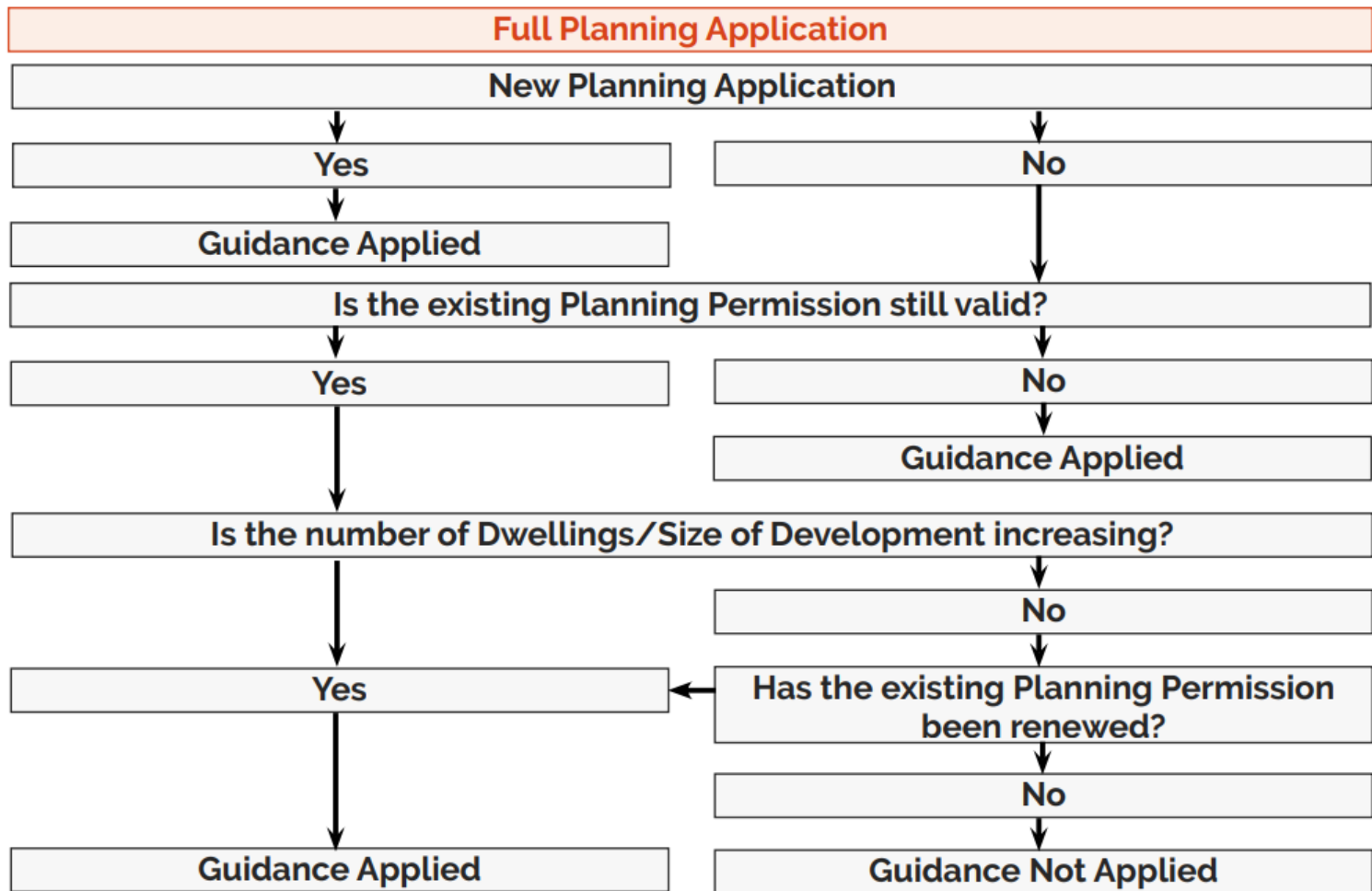
Appendix 4 – Perth City Centre Zone



Appendix 5 – Application of the Supplementary Guidance to Planning Applications

**In-Principle Application**





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

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

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



- Projection rooms
- Voids over stairwells and lift shafts on upper floors
- Loading bays
- Integral Garages
- Conservatories

Excluding:

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

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

# Contact information

For further information on developer contributions and any enquiries regarding the guidance, please contact the Development Contributions Officer at:

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

Tel: 01738 475417

DRAFT



**~~Draft~~ Developer Contributions and  
Affordable Housing Supplementary  
Guidance (2023)**

**[Finalised Draft]**

**Part 2: Affordable Housing**

DRAFT

# Contents

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| 2. Why do we need an affordable housing policy?          | 3         |
| 3. Applying the policy: the sequential approach          | 3         |
| 4. Funding mechanisms for delivery of affordable housing | 7         |
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| <b>Contact information</b>                               | <b>13</b> |

Please see [‘Part 1: Policy Implementation and Developer Contributions’](#) for further guidance on developer contribution requirements.

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**1. What is 'affordable housing'?**

1.1 National Planning Framework 4 2023 (NPF4) defines affordable housing as:

*“Good quality homes that are affordable to people on low incomes. This can include social rented, mid-market rented, shared-ownership, shared-equity, housing sold at discount (including plots for self-build), self-build plots and low-cost housing without subsidy.” (Annex F, page 144)*

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**2. Why do we need an affordable housing policy?**

2.1 The Scottish Government’s Housing to 2040 sets out their ambition “for everyone to have access to a warm, safe, affordable and energy efficient home that meets their needs, in a community they feel part of and proud of”. This approach recognises the need to provide a wide range of affordable homes, allowing people the choice of lifestyle and home regardless of income. Scottish Government planning policy supports this approach and NPF4 policy 16(e) states:

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*–“Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes...” (page 63)*

2.2 Studies of housing need and affordable housing requirements are carried out across the Perth and Kinross area as part of the preparation of the Housing Need and Demand Assessment (HNDA). The HNDA gives long run estimates of housing need and provides an evidence base for the Council’s Local Housing Strategy (LHS) and the Local Development Plan (LDP). Further localised HNDAs have been undertaken by the Communities Housing Trust in Aberfeldy, Dunkeld & Birnam, Comrie, Mount Blair and Pitlochry. These have been undertaken to gain a better understanding of the impact that high market prices have in on houses in a rural setting.

2.3 Policy 20 in the adopted Perth and Kinross Local Development Plan 2 2019 (LDP2) identifies that 25% of the total number of housing units per housing site should be provided as affordable. This approach is then guided using the LHS priorities, planning policy, evidence from the HNDA and local housing lists. An analysis of this information then supports the identification of type and tenure for a location based on local need and demand.

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**3. Applying the policy: the sequential approach**

~~3.1 LDP2 Policy 20 states:-~~

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

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

~~The details of provision, including landlord, tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics. The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding.” (page 40)~~

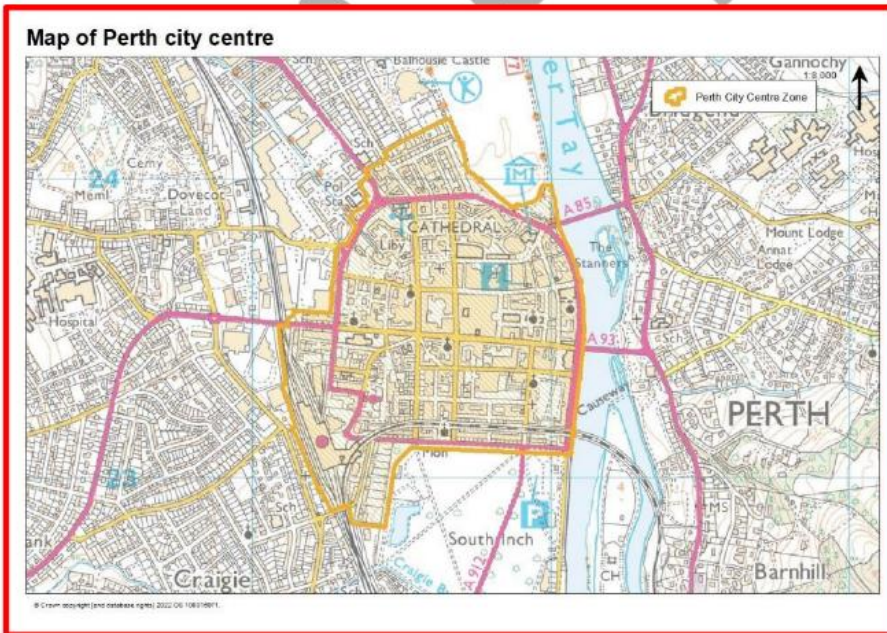
3.1 LDP2 Policy 20 sets the Council’s requirement for affordable housing when assessing new development proposals. NPF4 (Policy 16) is also a relevant part of the statutory development plan.

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3.2 The Council’s preference is to locate affordable housing on site and as part of a mixed development of private and affordable homes. There may be proposals for 100% provision of affordable housing, and these will be acceptable as part of a wider mixed community and where all other relevant LDP policies are met.

3.3 Residential developments, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed, except where the LDP varies this quota on an individual site basis, or sites of 20 units or less in the City Centre Zone (see map below and Appendix 4 in Part 1 of this guidance). Whenever practical, the affordable housing should be integrated with, and indistinguishable from the market housing.

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3.4 The Council’s sequential approach to the delivery of affordable housing requirements is laid out in Table 1. The details of tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

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|                |                                                                                                                                  |
|----------------|----------------------------------------------------------------------------------------------------------------------------------|
| On site        | Provision of Affordable housing on site;<br>or<br>Transfer of an area of serviced land on site to Council / Housing Association  |
| Off site       | Provision of affordable housing off-site;<br>or<br>Transfer of an area of serviced land offsite to Council / Housing Association |
| Committed sums | Where it is not possible to achieve appropriate affordable housing on site.                                                      |

Table 1: sequential approach

### 3.5 On Site Provision

3.5.1 On-site provision is the preferred option for all development proposals. Where affordable housing is being provided on-site, the housing will either be built by or transferred to a Housing Association or the Council, with the exception of: discounted for sale, unsubsidised homes, private rented accommodation or discounted serviced plots for self-build.

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3.5.2 Developers should enter early discussions with the Housing Strategy team ([see contact details on page 14](#)), preferably before the submission of a planning application. This will help to identify the following:

- The type and size of affordable housing requirement to meet the needs in the area.
- The provider most appropriate to deliver the required mix of tenure.
- Provide advice on how the Scottish Government subsidy funding requirements can be met.

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3.5.3 Developers will be required to build an agreed number, type, and mix of affordable housing units on site, including any required wheelchair housing (Housing for Varying Needs standards) for subsidised rent or sale by the Housing Association or Council. Where the affordable element is to be delivered by the developer, deadlines must be set for the delivery of the affordable housing relative to the timescale of delivery of the private housing.

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3.5.4 Alternatively, the land for the affordable housing element can be transferred to the Council or Housing Association to develop. Developers will agree to transfer an area of services land to a Housing Association or the Council for a valuation based on

affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor).

### 3.6 Off Site Provision

- 3.6.1 Where on-site provision cannot be achieved; the Council may be willing to consider the provision of affordable housing off-site or the transfer of an area of serviced land off-site. This will depend on several factors such as the desire to achieve balanced communities, the site circumstances (location and accessibility) and any difficulties associated with its development.
- 3.6.2 If the Council accepts the provision of affordable housing off-site the developer will be required to build an agreed number, type and mix of affordable housing units on another site within the area that is under their control for subsidised rent or sale either for the Council or a Housing Association. Where the affordable element is to be delivered by the developer a deadline will be set for the delivery of affordable housing relative to the timescale of the private housing. The provision of affordable housing off-site will be in addition to the affordable housing requirement relating to the alternative site.

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### 3.7 Transfer of an area of serviced land off-site

- 3.7.1 Alternatively, the land for the affordable housing element can be transferred to the Council or a Housing Association for them to develop. Developers will agree to transfer an area of serviced land for a valuation based on affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor).

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### 3.8 Commuted Payments

- 3.8.1 It is important to note that it will only be in limited circumstances that the Council will accept the payment of a commuted sum in lieu of the provision of affordable housing on or off-site. One of the primary obstacles to the delivery of affordable housing in Perth and Kinross is the difficulty which Housing Association's' experience in being able to compete with private developers to acquire land. This, coupled with the importance of creating socially inclusive and mixed communities, means that the Council will generally always seek the provision of affordable housing on-site or on an alternative site within that housing market area. The payment of a commuted sum to meet an affordable housing requirement will only be a final option offered to a developer.
- 3.8.2 Commuted sums may be acceptable only if there are no suitable sites brought forward after following the sequential tests above or where there are restrictions to the availability of public subsidy. A Viability Assessment will be required in all cases to demonstrate why the development would not be financially viable with on-site provision. Evidence of this should be provided in a Viability Statement providing financial or planning justification as to why the development cannot incorporate affordable homes. More details about undertaking this process, see [Part 1](#) of this document on How to undertake Development Viability Assessments.
- 3.8.3 The instances where a commuted sum may be acceptable include:

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- Where a development is in a remote rural setting or out with a settlement where it is difficult to access services;
- Where the scale of development results in sporadic units, creating affordability difficulties for Housing Associations;
- Where the number of units proposed are below the thresholds identified in the policy;
- Where the Council's Housing Service recommend that this is the most appropriate form of contribution in considering the Council's strategic housing priorities.

3.8.4 These payments will be used to enable off-site provision to make an equal and equivalent financial contribution to an affordable housing fund managed by the Council which promotes the direct provision of affordable accommodation through the Council or Housing Association on other sites. The commuted sum must be spent within the local housing market area Income from this source will be identified in the Strategic Housing Investment Plan (SHIP).

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### 3.9 Calculation of commuted sum

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3.9.1 Commuted sums will be calculated in line with national guidance PAN 2/2010 Affordable Housing Land Audits and Affordable Housing Supply Programme: process and procedures MHDGN 2022/02, as well as guidance notes issued by the RICS and in particular 'Valuation of Land for Affordable Housing Scotland' GN100/2013 and GN Valuation of Development Property October 2019.

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3.9.2 In line with Pan-PAN 2/2010, paragraph 22, the valuation of commuted sum will be determined independently by the District Valuer (DV). Research was commissioned from the DV (19 January 2023) to determine at what level the commuted sum should be set for each Housing Market Area in Perth and Kinross. On the basis of the research, the commuted sums effective from 1<sup>st</sup> April 2023 are as follows:

| Housing Market Areas | Plot Value per Unit for Private Sale | Plot Value per Unit for Affordable Housing | Commuted Sum per Unit |
|----------------------|--------------------------------------|--------------------------------------------|-----------------------|
| Highland             | £25,000                              | £1,000                                     | £24,000               |
| Kinross              | £25,000                              | £1,000                                     | £24,000               |
| Perth                | £36,000                              | £1,000                                     | £35,000               |
| Strathearn           | £28,500                              | £1,000                                     | £27,500               |
| Strathmore           | £21,500                              | £1,000                                     | £20,500               |

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Table 2: Commuted sums requirement per HMA

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3.9.3 This table will be updated annually based on the procedure set out in 3.9.2 and published on the Council's website.

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3.9.4 Where an Affordable Housing commuted sum has been made developers will be able to reclaim any money not invested in the infrastructure it was required after the utilisation period of 5 years of the date of payment to the Council. Developers will have

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12 months from the date of the 5-year deadline in which to reclaim any contribution. Where contributions are to be returned, interest will be made payable at 0.25% below the Bank of Scotland base rate.

#### 4. Funding mechanisms for delivery of affordable housing

4.1 Most of the funding for affordable homes comes from the Scottish Government Affordable Homes Supply Programme (AHSP). This is supplemented by council funding (Council Tax second homes funds), commuted sums (in lieu of on-site affordable provision) from developers, Prudential Borrowing (Councils) and Private Finance borrowing (Registered Social Landlords). The plan for new housing is directed by the Council's Strategic Housing Investment Programme (SHIP).

4.2 The most common source of land for affordable homes comes from requirement in LDP2 Policy 20 for developers to deliver 25% of their development proposals for affordable homes. The land is transferred to the ownership of a Housing Association partner or the Council to build a variety of affordable types and tenures. The tenures are determined by need and demand in the local area. Less commonly, Council-owned land is developed by the Council itself or made available to Housing Associations to build affordable homes. Likewise, private developers may restructure their land stocks and dispose of land to Housing Associations or the Council for additional affordable housing.

4.4 Affordable homes can also be delivered through the renovation or repurposing of buildings using the same funding, including the Council buy-back scheme, returning former Council homes to Council ownership. Increasingly buildings are being repurposed and brownfield sites are being regenerated to create affordable homes that meet higher energy efficient and quality standards.

#### 5. Types of affordable housing

5.1 There are a range of affordable housing options on offer that people can access in Perth & Kinross Council.

##### 5.2 Homes for Rent

5.2.1 Social rent are homes generally provided by Housing Associations (RSLs) and Perth & Kinross Council at affordable rents on a secure basis to those in housing need. Homes are regulated by the Scottish Housing Regulator to ensure standards are high and rents kept affordable.

5.2.2 Mid-market rental good quality, affordable, private rented homes provided by Housing Associations aimed at people on low or modest incomes that would not be prioritised for a socially rented home. Rents are lower than private market rent levels in the area. Aimed at a wide range of demographics and needs. can find a MMR home in Perth and Kinross.

##### 5.3 Low-Cost Home Ownership

5.3.1 Shared equity helps first-time buyers and priority groups on low to medium incomes into home ownership. There are currently two schemes. In both you the buyer holds the majority share of the home and are responsible for the property. In the OMSE, the Scottish Government holds the remaining share and is open to any house for sale. In

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the NSSE scheme, a Housing Association or eCouncil holds the remaining share and is for new build housing.

**5.3.2 Shared Ownership** provided by housing associations. It offers a route to homeownership - if you're buyers unable to afford to purchase a property outright, you can part-buy and part-rent your their home. You can choose to buy at a 25%, 50% or 75% share in your their home and. You pay rent on the other share, you don't buy, and the Rent is usually set at an affordable level of 2.75%.

**5.3.3 Self and custom build housing** are homes which are built or contracted by individuals or groups of individuals for their own use. These homes offer a unique alternative to standard market housing, bespoke to the needs of an individual, family or group, with their input on design and features. The eCouncil may discount plots to make them affordable. Can be particularly suitable in rural areas.

**5.3.4 Co-housing** is designed to foster connection. Usually owner-occupied (can also be mid-market rent). Physical spaces allow neighbours to easily interact with each other around internal and external communal spaces with commonly provided guest accommodation. Collaborative decision-making on the design and use of the buildings helps to develop relationships with neighbours and provides support networks which can be particularly attractive to people later in life.

**5.3.5 Independent living** aims to provide suitable options of accommodation for individuals assessed as having care and support needs to live independently in the community. This may include those with learning disabilities, autism, physical disabilities, mental health and acquired brain injury. Independent living support is most commonly offered through social rent but can be provided in all tenures, including self-build.

## **6. Delivery of affordable housing on development sites**

**6.1** Once development potential has been established and a site moves through the planning process, there are several key areas to be considered when designing the site.

### **6.2 Integration and tenure blind design**

Integration of affordable homes into any site should be key consideration from the outset. Affordable homes and market homes should be designed to create a sense of place within a development rather than as separate communities. Affordable plot sizes do not necessarily have to reflect their market equivalents, but they should be integrated into a varied tenure that produces choice and an attractive streetscape. This can be supported through the careful co-ordination of elements such as materials, colour palettes, architectural details, and boundary treatments. Different types of homes have sat adjacent to each other in the gradual development of urban areas, and this helps to create diversity within communities.

There are some factors that will help determine the site approach of affordable housing integration:

- The proposal should reflect the Council's commitment to supporting mixed and inclusive communities in Perth & Kinross by delivering choice.
- There should no difference in the quality of the design of all homes on the site.

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- Consideration as to the mix of tenures within a site to provide choice and encourage diverse communities.
- The inclusion of specialist provision requirements to support independent living and that caters to all ages.
- Construction access and site management can also have an impact on the location of affordable housing, as well as any ongoing property maintenance and management.

### 6.3 Phasing

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

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### 6.4 Densities

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

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### 6.5 Houses for private rent

The Local Housing Strategy reports that letting agents and landlords in private renting view the sector as having high levels of demand. As evidenced in the HNDA (2022), Perth and Kinross Council has a higher percentage of households in the private rented sector at 16% than the Scottish average at 12%. Whilst it is acknowledged that some developers prefer to build to rent, it is considered that private housing for rent as an affordable category is difficult to implement due to difficulties in ensuring that rents remain at an affordable level i.e. a level which is comparable with Council and Housing Association rent levels. In such cases, developers are encouraged to contact the Housing Strategy team to discuss the available tenures of midmarket rent or intermediate rent, and what the levels of rent currently are. Affordable housing requirements relating to proposals for tied accommodation or properties built by private estates for essential estate workers will be assessed on an individual basis.

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### 6.6 Sheltered housing developments

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

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development and will be available through a Housing Association or sold at an affordable price, they may be considered as meeting the affordable requirement for the development.

#### 6.7 The retention of houses as affordable

The retention of houses as affordable in perpetuity will most easily be achieved where a Housing Association is involved i.e. social rent or some form of shared equity involving grant assistance from Scottish Government which allows for grant funding to be returned to the Scottish Government should the house be sold within a specified period. It is acknowledged it is harder to achieve affordability in perpetuity in the case of discounted for sale, shared equity or unsubsidised houses. Houses which fall into the unsubsidised low-cost housing for sale category are smaller less expensive houses generally for entry level which are sold without any subsidy or discount. These houses may be affordable simply due to their smaller size. PAN 2/2010 suggests that some form of legal agreement may be required to retain such houses as affordable in perpetuity. However, it is considered that there will generally always be a limit on what the resale price of such houses will be. If the Council are satisfied that on resale such properties will remain at an affordable price – allowing for inflation and taking into consideration the area in which the houses are – then it is likely that, generally, it will not be necessary to impose a condition to maintain the houses as affordable in perpetuity. In the case of subsidised low-cost housing sale properties, either it is accepted that such houses will only be affordable to the first household, or a burden, or condition (e.g. Deed of Condition attached to the property's Title Deeds) is put in place in the title deeds to maintain the houses as affordable in perpetuity. The Council will consider applications containing subsidised low-cost housing for sale on their individual merits.

#### 6.8 Affordable house prices

Analysis was carried out using data from the Centre of Housing Market Analysis (CHMA) documents<sup>1</sup> and by using *A Practitioners Guide – Housing Need and Demands Assessment October 2018* data where a house is affordable to purchase if its price does not exceed 3.6 times a household's income. The Perth and Kinross area has seen the largest increase in volume of house sales over the last 10 years of all Tayside partner areas at 27.8%. The average house sale value in Perth and Kinross has risen by 13% from 2009 to £199,463 in 2019. To improve accessibility to home ownership, the table below shows the maximum sales prices applicable to the low-cost housing for sale options potentially available to developers. Maximum prices for houses to be purchased through the Shared Equity, subsidised and unsubsidised low-cost housing for sale options:

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| Maximum Price Threshold |                  |
|-------------------------|------------------|
| Apartment Sizes         | Price Threshold* |
| 2 (1 bed)               | £95,000          |
| 3 (2 bed)               | £145,000         |
| 4 (3 bed)               | £200,000         |
| 5 (4 bed)               | £250,000         |
| 6 (5 bed)               | £310,000         |

Table 3: Price thresholds

\* The maximum based price threshold is calculated based on the Open Market Shared Equity Scheme area-based limits for Perth and Kinross<sup>2</sup>

#### 6.9 Marketing and identification of priority client groups

Where the affordable housing proposed is unsubsidised or subsidised low-cost housing for sale, there will be further requirements in terms of the marketing of the affordable housing and the identification of the priority client groups. Developers are asked to contact the Housing Strategy team for further details on this. In general the priority client group is taken to mean people on modest incomes (income threshold to be assessed by Perth and Kinross Council), who are either first time buyers; or persons who currently own their own home but require a new home following a significant change in their household circumstances; or persons with a disability who own a house which does not meet their particular needs; and who are in the following priority:

- Council or Housing Association tenants who currently live in Perth & Kinross or;
- Council or Housing Association waiting list applicants who have an established local connection to Perth and Kinross and who have requested Perth and Kinross as an area in which they wish to be houses; or
- Residents of Perth and Kinross.

The property must be the applicant's permanent home and not used as a second home or let out. The size of the property allocated should be appropriate to the size of the household. Developers may be required to submit a marketing strategy to the Council for approval as part of planning consent or Section 75 Agreement, the detail of which will be defined, but will likely indicate the advertising, marketing periods and application process for the relevant units. Prior to submitting a marketing strategy, developers are urged to contact the Council's Housing Strategy team to confirm the relevant time periods and priority client groups etc.

<sup>1</sup> [www.gov.scot/publications/centre-for-housing-market-analysis-list-of-guidance/](http://www.gov.scot/publications/centre-for-housing-market-analysis-list-of-guidance/)

<sup>2</sup> [www.gov.scot/publications/open-market-shared-equity-thresholds](http://www.gov.scot/publications/open-market-shared-equity-thresholds)

## Contact information

For further information on affordable housing and any enquiries regarding the guidance, please contact the Housing Strategy team at:

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

Tel: 01738 476405

DRAFT



## Copy of Consultation Hub questionnaire

### Overview

The Developer Contributions and Affordable Housing Supplementary Guidance supports Policy 5: Infrastructure Contributions and Policy 20: Affordable Housing in the Perth and Kinross Local Development Plan 2 (2019). It includes the legal and policy background and details the contribution requirements towards Primary Education, Auchterarder A9 Junction Improvements and Transport Infrastructure. The Guidance also details the Council's Affordable Housing requirement.

The current version of the Supplementary Guidance was adopted on 29 January 2020 and, to make sure it stays up to date, the Council has agreed that it should be reviewed. You can read the draft guidance on both Developer Contributions and Affordable Housing Below as well as a summary note of the key changes proposed.

We are seeking your views here. Any comments and suggestions made during this consultation period will be taken into account when preparing the finalised version of the Supplementary Guidance. Once this finalised version has been considered and adopted by the Council, it will replace the current version.

### Why your views matter

Developer Contributions and Affordable Housing are important for delivering sustainable, resilient communities in Perth and Kinross. The Supplementary Guidance supports our planning policies in the development management process, and it requires review in order to keep it up to date with industry factors.

The Planning & Development Service of the Council are gathering your feedback on these updates to understand the views of different stakeholders.

Please note that the scope of this update is within the existing policy framework of the adopted Local Development Plan and does not include new policy proposals. This will be reserved for the preparation of the Council's next Local Development Plan. Opportunities for engagement are published regularly and further information on the process is available on our website, or you can Contact Us for more information.

## APPENDIX 2 Copy of Consultation Hub questionnaire (continued)

1. How are you responding (please select all that apply)?

(Required)

- Resident of Perth & Kinross
- Business owner in Perth & Kinross
- Industry representative (developer/agent/etc)
- On behalf of a community group

If you are responding on behalf of an organisation or group please specify below:

2. Is the updated layout and information in the Draft Developer Contribution (2023) clear?

- Yes
- Somewhat
- No

If "somewhat" or "no" please provide further information below:

3. Is the updated layout and information in the Draft Affordable Housing Supplementary Guidance (2023) clear?

- Yes
- Somewhat
- No

If "somewhat" or "no" please provide further information below:

4. Is the updated layout and information in the summary of key changes clear?

- Yes
- Somewhat
- No

If "somewhat" or "no" please provide further information below:

## APPENDIX 2 Copy of Consultation Hub questionnaire (continued)

5. Do you agree with the updates the Council have proposed in the draft documents?



Yes



Somewhat



No

If "somewhat" or "no" please provide further information below:

6. Please use this space to provide any further comments on each section of the document:

6a Part 1: Developer Contributions - Applying the Guidance

6b Part 1: Developer Contributions - Primary Education

6c Part 1: Developer Contributions - Auchterarder A9 Junction Improvements

6d Part 1: Developer Contributions - Transport Infrastructure

6e Part 2: Affordable Housing

**[end of questionnaire]**





## Summary of public consultation comments

### List of Acronyms:

|      |                                                       |
|------|-------------------------------------------------------|
| ADT  | Aberfeldy Development Trust                           |
| AH   | Affordable Housing                                    |
| AJS  | A&J Stephen Ltd                                       |
| BCIS | Building Cost Information Service                     |
| FDCC | Fossoway and District Community Council               |
| GSB  | GS Brown Construction Ltd                             |
| HFS  | Homes for Scotland                                    |
| LDP2 | Perth and Kinross Local Development Plan 2 (2019)     |
| LDP3 | Perth and Kinross Local Development Plan 3 (2027 TBD) |
| NPF4 | National Planning Framework 4 (2023)                  |
| PKC  | Perth and Kinross Council                             |
| RCL  | Ristol Consulting Limited                             |
| RICS | Royal Institute of Chartered Surveyors                |
| SME  | Small and Medium-sized Enterprise                     |

**Highlighted text** indicates new or amended text

| Comment                                                                                                                                                                               | Comment provided by | Council's response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Change to be made |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Part 1 Developer Contributions: general</b>                                                                                                                                        |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                   |
| <p>Finds 10-year utilisation period for contributions (primary education, transport infrastructure) unacceptable – suggests this should be 5 years to pass Circular 3/2012 tests.</p> | HFS                 | <p><i>The 10-year utilisation period for those contribution payments is a long-standing element of the PKC developer contributions policy and is not a new feature being consulted upon. A 10-year period is appropriate given the nature of Education projects and the financing of them.</i></p> <p><i>PKC considers the period of 10 years to be appropriate, Circular 3/2012 does not prescribe any specific period for the utilisation of contribution payments.</i></p>                                                                                                                                                                                                                                                                                                                   | <b>No change</b>  |
| <p>Requests the 12-month period to claim unspent contributions (at 0.25% below Bank of England base rate) is deleted. Recovery should be unrestricted and without cost.</p>           | RCL                 | <p><i>PKC consider it necessary to structure the process of the recovery of unspent developer contributions. This process is a long-standing element of the PKC developer contributions policy and is not a new feature being consulted upon. Interest is payable by PKC on an unspent contribution. This is of benefit to the original contributor and not a cost. For clarity, this is Bank of Scotland base rate. These recovery arrangements provide certainty to both PKC and applicants. The advice on the relevant utilisation period and recovery process is provided, in writing, on receipt of each contribution made to PKC, and is also stated within any Section 75 Agreement.</i></p> <p><i>In addition to the existing measures, officers agree that additional Guidance</i></p> | <b>No change</b>  |

|                                                                                                                                                                                                                                                       |           |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                                                                                                                                                                                                                                       |           | <i>can be published on PKC's website to assist applicants with that process.</i>                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Comments on Paragraph 3.2 of the Guidance, noting that the Guidance will not be applied retrospectively. Suggests wording is not in-keeping with Circular 3/2012, resulting in the need for S75a applications in order to modify contribution levels. | Anonymous | <i>Officers consider the spirit of the statement at Paragraph 3.2 necessary in order to provide certainty to applicants what guidance will apply at the point of determination and its purpose is to protect developers/ applicants from increases in contribution rates.<br/>Officers recognise an amendment is required to clarify this.</i> | <p><b>Paragraph 3.2 amended as follows:</b></p> <p><b>3.2 The following principles apply to the application of this Guidance:</b></p> <ul style="list-style-type: none"> <li>● <b>The Guidance will be applied to sites identified in the adopted Local Development Plan and planning applications;</b></li> <li>● <b>The Guidance will not apply retrospectively to sites with full or 'In Principle' planning consent prior to each relevant section of the Guidance coming into effect: Affordable Housing (August 2005); Primary Education (May 2009); Auchterarder A9 Junction (August 2009); Transport Infrastructure (April 2014).</b></li> <li>● <b>The Guidance will not be retrospectively applied to an application already submitted prior to the Guidance being adopted, where:</b> <ul style="list-style-type: none"> <li>(i) <b>that would lead to an increased level in contributions being applied, or</b></li> <li>(ii) <b>a constraint has already been identified which may in the absence of</b></li> </ul> </li> </ul> |

|                                                                                                                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                           |
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|                                                                                                                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b><i>this Guidance have resulted in a recommendation of refusal.</i></b> |
| Gives positive comment on Paragraph 3.2 of the Guidance, that the Guidance will not be applied retrospectively.                                                                                                                                                                         | HFS | <i>As above</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b><i>As above</i></b>                                                    |
| <b>Part 1 Developer Contributions: primary education</b>                                                                                                                                                                                                                                |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                           |
| Suggests that contributions should only be required where a school has reached 100% capacity, with cognisance where school rolls are at capacity due to other identified development. This results in 'active' developments being penalised where a school is not actually at capacity. | HFS | <i>This is a long-standing element of the PKC developer contributions policy and is not a new feature being consulted upon. This is deemed necessary for PKC's Education &amp; Children's Services management of the school estate.<br/>Officers recognise that planning authorities across Scotland reference different capacity and will be dependent on each local authority's operational requirements. The Guidance recognises the need for forward planning (Paragraph 1.4):<br/>"It is neither sustainable nor good planning to wait until capacity is used up and then begin to recognise and address the problem. It will be necessary to analyse current capacity and future demand making the solution the collective responsibility of the Council and developers over the long term. This approach is the most equitable, sharing the cost with all development which places new demand on infrastructure capacity, rather than placing an uneconomic burden</i> | <b><i>No change</i></b>                                                   |

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|                                                                                                                                                                                                                                                                                                                                                                         |     | <i>on a limited number of developers in later years.”</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                 |
| Does not agree with use of the BCIS General Building Cost Index due to relevance, volatility, and lack of transparency (requires subscription fee to RICS) and suggests that the Retail Price Index should be used instead.<br>Suggests that indexation should not be applied to every contribution, and not used for previously committed payments or build contracts. | HFS | <i>This is a long-standing element of the PKC developer contributions policy and is not a new feature being consulted upon. The BCIS index is a ‘real time’ record of the construction market at any monthly interval. Contributions are linked to the delivery of infrastructure, therefore using the BCIS index reflects the construction costs of these works. Whereas the UK Government defines RPI as: “an average measure of change in the prices of goods and services bought for the purpose of consumption by the vast majority of households in the UK”. The UK Government also announced in 2020 that RPI will be reformed by 2030 and will be replaced by the Consumer Price Index. Where there are any accessibility issues with BCIS index figures in calculating contribution payments, PKC can assist.</i> | <b>No change</b>                                                                                                                                                                                                                                                |
| <b>Part 1 Developer Contributions: transport infrastructure</b>                                                                                                                                                                                                                                                                                                         |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                 |
| Comment regarding insertion at Paragraph 6.5: seeks clarity that this is not applicable to developers outwith Site MU70 Perth West.                                                                                                                                                                                                                                     | AJS | <i>Confirm that the requirement relates only to LDP2 Site MU70.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Update wording:</b><br><b>“Following appropriate assessment, proportionate contributions or mitigation will be sought toward the infrastructure to be delivered by Perth &amp; Kinross Council at LDP2 Site MU70 (Perth West), including an A9 underpass</b> |

|                                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                                                                                                                                               |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>to address site severance. Early discussions are recommended to establish specific requirements, and will apply to landowners/ developers within the Site MU70 area.”</b></p> <p><b>See below.</b></p>                                                                                                                                                                                                                                                                                                                                                    |
| <p>Queries whether there are timescales and format for ‘appropriate assessment’ required, with regards to the insertion at Paragraph 6.5.</p>                                                 | HFS | <p><i>The wording inserted at Paragraph 6.5 advises that early discussions are recommended to establish the specific requirements from proposals within the MU70 area.</i></p> <p><i>The planning authority strongly advocates for pre-application advice/ discussions from applicants. It is intended that potential applicants will take account of the Guidance when preparing their proposals and seek advice on this point, prior to the submission of any planning application.</i></p> | <p><b>Further update to wording:</b></p> <p><b>“Following appropriate assessment, proportionate contributions or mitigation will be sought toward the infrastructure to be delivered by Perth &amp; Kinross Council at LDP2 Site MU70 (Perth West), including an A9 underpass to address site severance.</b></p> <p><b>Discussions with the planning authority, prior to the submission of any planning application, are strongly recommended to establish specific requirements, and will relate to landowners/ developers within the Site MU70 area.”</b></p> |
| <p>Refers to insertion at Paragraph 6.5 and requests that the Guidance draws out that the proportionate contribution is towards the full scope, elements and cost of this infrastructure.</p> | RCL | <p><i>The proposed insertion at Paragraph 6.5 aligns with LDP2 Site MU70 site requirements and the proposed wording is consistent with those requirements. This ensures proposed infrastructure at the site referenced in the Guidance is consistent with LDP2.</i></p>                                                                                                                                                                                                                       | <p><b>No change</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| <p>Suggests that contribution rates have not been adequately justified.</p>                                     | <p>HFS</p> | <p><i>The Transport Infrastructure developer contribution was implemented by PKC in 2014.</i></p> <p><i>Transport Infrastructure contributions set out in section 6 of the Guidance relate to the Perth Transport Futures projects, also identified in the adopted Supplementary Guidance. No change is proposed to the basis of that contribution, only an update to reflect increased project costs since the last costs from 2019/20.</i></p> <p><i>With regards to the purpose of this contribution, these infrastructure projects have been deemed necessary in order to accommodate new development in Perth, and the surrounding area, and to support the local development plan; a development embargo was established until the Cross Tay Link Road (Phase 2 of Perth Transport Futures) was committed. The developer contribution rates have been calculated on the basis of those total project costs and the modelling of traffic growth in that area to establish a relevant proportionate contribution from development in the area.</i></p> | <p><b>No change</b></p>                                                                                                                                                                                         |
| <p>Comment regarding insertion at Paragraph 6.18: states that updates to the Guidance must be consulted on.</p> | <p>HFS</p> | <p><i>The proposed change within the draft Guidance will enable PKC to uplift the contribution rates in line with those project costs, which are published and reported publicly by PKC, and is limited to those projects already identified.</i></p> <p><i>The process of formally reporting, consulting, and publishing an updated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Amendment to Paragraph 6.18:</b></p> <p><b><i>“...The rates set out in this guidance may be reviewed annually to account for updated project costs and will be published on the PKC website.”</i></b></p> |

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|                                                                                                                                                                                                          |      | <p><i>Supplementary Guidance document for routine uplift of established contributions is excessive where the methodology for calculating the contribution rate remains unchanged.</i></p> <p><i>It is proposed that contribution rates that require to be routinely updated, under the scope of the Guidance, will be published on the PKC website as an ancillary update, rather than a change to the adopted Supplementary Guidance document itself. Applicants/ developers will be advised as to when those revised rates will become effective.</i></p>                                                                                                                            |                  |
| <p>Comments that transport obligations should be fair and proportionate. Transport should not be considered separate to other contributions but included as a whole to ensure development viability.</p> | HFS  | <p><i>Transport Infrastructure developer contributions set out in section 6 of the Guidance relate to the specific projects identified in the Guidance as part of the Perth Transport Futures improvements. Those contributions will only be sought from qualifying development within the identified area.</i></p> <p><i>Site-specific transport mitigation may be required either in addition or, or instead of, the contribution requirements of section 6 of the Guidance and will be considered on a case-by-case basis; early pre-application advice by potential applicants is therefore advised in order to establish potential requirements of development proposals.</i></p> | <b>No change</b> |
| <p>General support: but requests consideration into expansion of defined contributions area to support</p>                                                                                               | FDCC | <p><i>Transport Infrastructure developer contributions set out in section 6 of the Guidance relate to the specific projects</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>No change</b> |



|                                                                                                                             |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |
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| <p>rural communities as a result of major developments and tourist accommodation.</p>                                       |            | <p><i>identified in the Guidance as part of the Perth Transport Futures improvements. It would not be appropriate to use these contributions for other mitigation, or to extend this zone to satisfy a separate requirement.</i></p> <p><i>The concerns raised in these comments have been noted by officers. Currently, the draft Guidance being consulted upon represents an update to the adopted Guidance, and new/ additional developer contribution requirements are not proposed.</i></p> <p><i>PKC are currently undertaking a review of the LDP. Community feedback, as well as infrastructure audits, will support that review in the preparation of LDP3 (estimated for adoption in 2027) and new contribution requirements, where justified, will be considered as part of that process.</i></p> |                         |
| <p>Part 2 Affordable Housing: general</p>                                                                                   |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |
| <p>Supports a range of affordable housing type approaches to delivery, such as self/ custom build and co-housing.</p>       | <p>RCL</p> | <p><i>Noted</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>No change</b></p> |
| <p>Recommends NPF4 Policy 17 is better reflected in the Guidance, with regards to ‘tied’ estate housing in rural areas.</p> | <p>RCL</p> | <p><i>Noted. Tied estate housing is recommended for assessment on an individual basis in the Guidance. NPF4 Policy 17 intends to encourage, promote, and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>No change</b></p> |

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| <p>General narrative about the engagement of the development sector within planning and housing consultations in Perth and Kinross.</p>                                                                           | <p>HFS</p> | <p><i>Noted</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>No change</b></p>                                                                                                                                                                                                                                                                           |
| <p>Notes the importance in the role of Community Development Trusts in the delivery of affordable housing with strategic projects, which is welcomed as the draft Guidance is finalised.</p>                      | <p>RCL</p> | <p><i>Noted</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>No change</b></p>                                                                                                                                                                                                                                                                           |
| <p>Queries the reference to NPF4 and lack of reference flexibility of the 25% affordable housing requirement to reflect viability. Concludes that LDP2 Policy 20 and the draft Guidance are contrary to NPF4.</p> | <p>HFS</p> | <p><i>NPF4 Policy 16 states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, and goes on to list potential exceptions, where justified, as noted in the comment.</i></p> <p><i>The draft Guidance remains that 25% is PKC’s minimum expectation for affordable housing requirements, as is the basis of adopted LDP2 Policy 20.</i></p> <p><i>Policy 20 also states that “the Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding”.</i></p> <p><i>Officers consider that this policy position supports the aims of NPF4 Policy 16, whilst reflecting local needs in PKC.</i></p> <p><i>Flexibility will be provided where viability</i></p> | <p><b>Proposed update. Delete and replace Paragraph 3.1 of the draft Guidance:</b></p> <p><b>“LDP2 Policy 20 sets the Council’s requirement for affordable housing when assessing new development proposals. NPF4 (Policy 16) is also a relevant part of the statutory development plan.”</b></p> |

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|                                                                                                                                                                                                                                                                                                                                                                   |     | <i>issues can be adequately demonstrated, on a case-by-case basis. NPF4 makes provision for LDPs to set different percentage policies where justified. This will be considered in the preparation of LDP3.</i>                                                                                                                                                                                                                                                                       |                  |
| Requests that PKC increase the affordable housing provision percentage for new home. Rationale is based on other local authority approaches and explains Stirling and Fife Council policy in detail. Provides narrative on local context of affordability and availability of affordable housing in Aberfeldy, including economic impacts and community feedback. | ADT | <i>The draft Guidance remains that 25% is PKC's minimum expectation for affordable housing requirements, as is the basis of adopted LDP2 Policy 20. Officers consider that this policy position supports the aims of NPF4 Policy 16, whilst reflecting local needs in PKC. Policy evolution for affordable housing is being considered as PKC undertakes its review of LDP2.</i>                                                                                                     | <b>No change</b> |
| <b>Part 2 Affordable Housing: 'sequential approach'</b>                                                                                                                                                                                                                                                                                                           |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |
| Notes the Guidance has been restructured and updated.                                                                                                                                                                                                                                                                                                             | HFS | <i>Noted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>No change</b> |
| Comment regarding Paragraph 7.24 (deletion of first bullet point: "Where there is a high concentration of affordable housing in the area and the provision of a commuted sum would help achieve more balanced communities elsewhere in the housing market") – does not agree with deletion.                                                                       | HFS | <i>Noted. Officers consider that the point, formerly included at Paragraph 7.24, conflicts with the spirit of LDP2 Policy 20 and the 'sequential approach' for affordable housing delivery in the Supplementary Guidance. PKC requires on-site delivery, or (where justified) off-site delivery, then and only where those options cannot be satisfied, a commuted sum will be considered. Further emphasis and clarity on this process has been deemed necessary as a result of</i> | <b>No change</b> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      | <p><i>experience in the application of the Policy and Guidance and the point formerly included at Paragraph 7.24 represented ambiguity.</i></p> <p><i>Where there are viability concerns with proposed development then these will be considered on a case by case basis. Pre-application advice on potential development proposals is always advised to establish what provision will be necessary.</i></p>                                                                                                                                                                                                                                                                                                   |                  |
| Notes disappointment at acceptance of commuted sums over on-site delivery in the local area.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | FDCC | <p><i>Noted. The updates to the Guidance intend to highlight PKC's preference for on-site delivery as part of the 'sequential approach'.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>No change</b> |
| <b>Part 2 Affordable Housing: credit system</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |
| <p>Strongly objects to the proposed removal of the PKC's credit system for AH. Following reasons provided: AH credits encourage effective/ early delivery of AH.</p> <p>AH credits more reliable than payment of commuted sums.</p> <p>AH credits utilised by local and SMEs. Various economic benefits provided local SMEs. PKC should support SMEs.</p> <p>Successful example cited of AH delivery at Guildtown.</p> <p>PKC has discretion to decline AH credits on site-by-site basis, therefore disagrees with removal of the system.</p> | AJS  | <p><i>The approved Local Housing Strategy 2022-2027 sets out to deliver 'more housing in liveable and sustainable places which are well designed, safe and connected...in turn reducing inequality and discrimination'.</i></p> <p><i>The sequential approach to delivery with preference for on-site affordable housing provision as much as practicable is the best way to achieve this.</i></p> <p><i>The Affordable Housing Credits System reduced the extent of on-site provision of affordable housing within market housing developments. It is appropriate to wind it down to achieve the aims of the current LHS. This is also aligned with NPF4 and its outcomes, including the provision of</i></p> | <b>No change</b> |

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| <p>Removal of the AH credit conflicts with the spirit of Local Development Plan 2 (2019) Policy 20: Affordable Housing.</p>                                                                              |            | <p><i>land in the right locations to accommodate future need and demand for new homes, supported by appropriate infrastructure. Officers considered the perceived benefits presented by the Affordable Housing Credit System included in the adopted Guidance, as well as practical experience of the system since its implementation. This approach allowed housebuilders to group sites, provided the overall 25% affordable housing requirement was ultimately met across a number of sites. However, it has not been well utilised and has proven difficult to implement and monitor.</i></p> <p><i>The benefits in terms of faster delivery and support for local SMEs are noted but are no longer considered to outweigh the medium and long-term disbenefits in terms of providing affordable housing in the right locations. Any confirmed Credits currently agreed with developers will continue to be valid until their expiry dates, but no further Credits shall be awarded.</i></p> |                         |
| <p>Does not support the removal of the AH credit system. The system allows flexibility in delivering sites in difficult financial times, for example during the last recession, and to meet AH need.</p> | <p>HFS</p> | <p><i>As above</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>No change</b></p> |
| <p>Does not agree with proposed removal of AH credit system. Considers the credit system</p>                                                                                                             | <p>GSB</p> | <p><i>As above</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>No change</b></p> |

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| enhances the delivery of AH. Sets out narrative of benefits provided to the economy as a local business and employer.          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |
| Notes the credit system has been effective in rural areas, and requests it be retained.                                        | RCL | <i>As above</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>No change</b>                    |
| <b>Other Comments</b>                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |
| General support                                                                                                                | AJS | <i>Noted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>No change</b>                    |
| Concerns over explanation of the consultation process and how public consultation responses will be considered by the Council. | HFS | <i>The report to Environment, Infrastructure and Economic Development Committee (31<sup>st</sup> May 2023 Report No. 23/170 stated that:<br/>"Following the period of public consultation, the responses will be collated and reviewed by the project team. The updated Guidance will then be brought back to Committee for approval prior to submission to Scottish Ministers for formal adoption".<br/>Officers accept the process could be mapped more clearly for stakeholders' awareness and explain how PKC are considering consultation responses in the adoption process.</i> | <b>Note for future consultation</b> |
| Generally supports phasing of contributions payments and involvement of PKC in delivering infrastructure.                      | RCL | <i>Noted</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>No change</b>                    |