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Council Building  
2 High Street  
Perth  
PH1 5PH

16 January 2019

A Meeting of the **Environment and Infrastructure Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 23 January 2019** at **13:00**.

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

**KAREN REID**  
**Chief Executive**

***Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.***

***Please note that the meeting will be recorded and will be publicly available on the Council's website following the meeting.***



**Environment and Infrastructure Committee**

**Wednesday, 23 January 2019**

**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 THE MEETING OF THE ENVIRONMENT AND INFRASTRUCTURE COMMITTEE OF 7 NOVEMBER 2018 FOR APPROVAL AND SIGNATURE** **5 - 12**  
(copy herewith)
- 4 SUSTRANS PROJECT**  
Presentation by David Littlejohn, Head of Planning & Development (Housing and Environment), Perth and Kinross Council on this subject.
- 5 THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT PUBLICATION OF INTERIM REPORT**  
Report by Executive Director (Housing and Environment) (copy to follow)
- 6 REVIEW OF PLANNING ENFORCEMENT CHARTER** **13 - 36**  
Report by Executive Director (Housing and Environment) (copy herewith 19/17)
- 7 PROPOSED VARIATION TO WAITING RESTRICTIONS, MAIN STREET, INVERGOWRIE (WARD 1)** **37 - 44**  
Report by Depute Director (Housing and Environment) (copy herewith 19/19)
- 8 PROPOSED ONE WAY ROAD AND VARIATION TO WAITING RESTRICTIONS, LOWER MILL STREET, BLAIRGOWRIE (WARD 3)** **45 - 52**  
Report by Depute Director (Housing and Environment) (copy herewith 19/20)
- 9 PROPOSED VARIATION TO WAITING RESTRICTIONS, AVENUE ROAD, TALLA PARK & HIGH STREET, KINROSS (WARD 8)** **53 - 62**  
Report by Depute Director (Housing and Environment) (copy herewith 19/21)

- |           |   |                |
|-----------|---|----------------|
| <b>10</b> | <b>PROPOSED WAITING RESTRICTIONS GOWANS TERRACE,<br/>PERTH AND MONCUR ROAD, INCHTURE - SCHOOL KEEP<br/>CLEAR ORDER (WARDS 12 &amp; 1)</b><br>Report by Depute Director (Housing and Environment) (copy<br>herewith 19/22) | <b>63 - 72</b> |
| <b>11</b> | <b>AMENDMENTS TO THE LIST OF PUBLIC ROADS</b><br>Report by Depute Director (Housing and Environment) (copy<br>herewith 19/23)   | <b>73 - 80</b> |

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PERTH AND KINROSS COUNCIL  
ENVIRONMENT AND INFRASTRUCTURE COMMITTEE  
7 NOVEMBER 2018

## ENVIRONMENT AND INFRASTRUCTURE COMMITTEE

Minute of meeting of the Environment and Infrastructure Committee held in the Council Chamber, 2 High Street, Perth on 7 November 2018 at 10.00am.

Present: Councillors A Forbes (from Arts 629 to 640, and Art 642 to 648), A Bailey, K Baird, M Barnacle (up to Art 642), P Barrett (substituting for Councillor W Robertson), S Donaldson, E Drysdale (substituting for Councillor D Doogan), J Duff, T Gray (substituting for Councillor A Parrott) (up to Art. 642), A Jarvis, G Laing, R McCall, C Reid, M Williamson and W Wilson (substituting for Councillor L Simpson).

In Attendance: B Renton, Executive Director (Housing and Environment); K McNamara, Depute Director (Housing and Environment); A Clegg, S Best, L Brown, S D'All, D Dickson, A Finlayson, C Haggart, H Hope, N McGill, B Reekie, J Scott, A Seggie, D Stubbs (all Housing and Environment); C Flynn and K Molley (both Corporate and Democratic Services); C Dews (for Art 641 (Limelight Sports)).

Apologies for Absence: Councillors D Doogan, A Parrott, W Robertson and L Simpson.

Councillor A Forbes, Convener, Presiding.

### 629. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted above.

### 630. DECLARATIONS OF INTEREST

- In terms of the Councillors' Code of Conduct;
- (i) Councillors S Donaldson and T Gray both declared a non-financial interest in Art. 633.
  - (ii) Councillors E Drysdale, T Gray, A Jarvis, R McCall and W Wilson all declared a non-financial interest in Art. 643.
  - (iii) Councillor A Forbes declared a financial interest in Art. 641.

### 631. REQUEST FOR DEPUTATION

In terms of Standing Order 72, The Committee agreed that Morag Watson, Perth and Kinross Countryside Trust be allowed to address the Committee in relation to Art. 633.

The Committee agreed to vary the order of items on the agenda and to take the Auchterarder Community Facilities Fund report before item 4.

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**632. MINUTE OF PREVIOUS MEETING**

The minute of the meeting of the Environment and Infrastructure Committee of 5 September 2018 (Arts 477 – 495.) was submitted and approved as a correct record and authorised for signature.

**633. AUCHTERARDER COMMUNITY FACILITIES FUND**

Ms Watson addressed the Committee with a presentation and answered questions from members.

The Convener thanked Ms Watson for her attendance.

There was submitted a report by the Executive Director (Housing and Environment) (18/367) seeking the determination of an application for funding from Perth and Kinross Countryside Trust for a contribution of £100,000 towards a major project for improvements to Provost's Walk in Auchterarder.

**Resolved:**

Perth and Kinross Countryside Trust be awarded a grant of £100,000 towards the cost of the third and final phase of the Provost Walk upgrade, Auchterarder.

M WATSON LEFT THE MEETING AT THIS POINT.

**634. HOUSING AND ENVIRONMENT SIX MONTH PERFORMANCE SUMMARY 2018/19 – EXCEPTION REPORT**

There was submitted report by the Executive Director (Housing and Environment) (18/346) reviewing the performance of Housing and Environment against its Business Management and Improvement Plan (BMIP) for the period 1 April to 30 September 2018.

**Resolved:**

- (i) The contents of the Housing and Environment Six Month Performance Summary 2018/19 – Exception Report, attached as Appendix 1 to Report 18/346, pertaining to this Committee's areas of responsibility, be approved.
- (ii) It be noted that Report 18/346 had been approved by the Housing and Communities Committee on 31 October 2018 pertaining to that Committees areas of responsibility and would be submitted to the Scrutiny Committee on 28 November 2018 for scrutiny and comment as appropriate.

**635. ANNUAL PLANNING ENFORCEMENT REPORT 2017/18**

There was submitted a report by the Executive Director (Housing and Environment) (18/361) (1) analysing performance within the Planning Enforcement function of the Planning Service for the year 2017/18; (2) highlighting examples of best practice developed and undertaken within the team; and (3) seeking Committee approval for the future reporting of performance.

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**Resolved:**

- (i) The Annual Planning Enforcement Report for 2017/18, be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to bring forward a further report following publication of the annual performance statistics for 2018/19.

**636. WASTE MANAGEMENT PLAN 2010-2025 – PROGRESS REPORT**

There was submitted a report by the Depute Director (Housing and Environment) (18/362) (1) providing an update on progress with the Action Plan of the Perth and Kinross Council Waste Management Plan; and (2) recommending approval of the new actions 97-98 (shown in Appendix 1B) which are in line with recent national regulatory and strategic developments.

**Resolved:**

- (i) The annual update on progress on the Waste Management Action Plan be endorsed.
- (ii) The new actions (number 97-98) of the Waste Management Action Plan, set out in Appendix 1B to report 18/362, be approved.
- (iii) The Depute Director (Housing and Environment) be requested to bring back a further report in November 2019.

**637. GREENSPACE ASSET ANNUAL STATUS REPORT**

There was submitted a report by the Executive Director (Housing and Environment) (18/363) (1) presenting a status summary of the Council's Greenspace assets as at 31 March 2018; (2) describing the current condition of the asset, the standards achieved and performance indicator information; and (3) highlighting the continued support by community groups which supports greenspace to maintain and enhance the greenspace asset.

**Resolved:**

- (i) The contents of report 18/363 be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to submit an annual report on the performance of, and investment in, the Council's Greenspace Assets in accordance with the approved Asset Management Plan, including benchmarking information.

**638. ROADS ASSET ANNUAL STATUS REPORT – 2017/18**

There was submitted a report by the Executive Director (Housing and Environment) (18/364) (1) presenting a status summary of the Council's roads assets based upon the latest published Scottish local authority data as at 31 March 2018 and; (2) describing the current condition of the asset, the standards achieved and providing performance indicator information to allow benchmarking of results.

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**Resolved:**

- (i) The contents of the Roads Asset Status Report, together with the condition and performance of the Council's Roads assets as at 31 March 2018, as set out in Appendix 2 to report 18/364, be endorsed.
- (ii) The Executive Director (Housing and Environment) be requested to submit an annual report on the performance of, and investment in, the Council's Roads assets in accordance with the approved Asset Management Plan, including benchmarking information.

**639. FREE FESTIVE PARKING**

There was submitted a report by the Executive Director (Housing and Environment) (18/365) recommending that the Free Festive Parking initiative operates on each Saturday from 1 December until 29 December 2018 inclusive in all Council operated car parks across the whole Perth and Kinross area.

**Resolved:**

It be agreed to offer free parking on Saturdays from 1 December to 29 December 2018 inclusive in all Council operated car parks across the whole Perth and Kinross area, as detailed in Appendix 1 to report 18/365.

**640. PROPOSED TAYSIDE NETWORK MANAGEMENT PARTNERSHIP**

There was submitted a report by the Depute Director (Housing and Environment) (18/366) seeking approval to undertake a 15 month trial for a collaboration of roads network and traffic control services, with Angus and Dundee City Councils.

**Resolved:**

- (i) The 15 month pilot for the Tayside Network Management Partnership, be approved.
- (ii) The Depute Director (Housing and Environment) be requested to bring a further report to Committee with the outcome of the pilot.

COUNCILLOR FORBES LEFT THE MEETING AT THIS POINT. COUNCILLOR BAIRD TOOK THE CHAIR.

**641. ETAPE CALEDONIA EVENT**

C Dews (Limelight) addressed the Committee and answered questions from members.

There was submitted a report by the Executive Director (Housing and Environment) (18/368) (1) updating the Committee on the Etape Caledonia event (2) asking committee to note the change of responsibility for event management and operational delivery from IMG to Limelight Sports; and (3) seeking permission for the continued use of the roads network for the purposes of the Etape Caledonia.



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**Resolved:**

- (i) It be noted that the Etape Caledonia event would be operated under licence from IMG.
- (ii) It be noted that the event management would be the responsibility of Limelight Sports.
- (iii) The use of the roads network for the purposes of the Etape Caledonia event by Limelight Sports, on the basis of the existing approved 85 miles route (and 40 miles option route for 2019 and 2020), be approved.
- (iv) The Executive Director (Housing and Environment) be requested to bring back a further report on the Etape Caledonia with specific reference to any request for a proposal future variation or extension of the route.
- (v) A report on the Etape Caledonia with specific reference to any request for a proposal future variation or extension of the route.

COUNCILLOR FORBES RE- ENTERED THE MEETING AT THIS POINT.

THERE FOLLOWED A FIVE MINUTE RECESS AND THE MEETING RECONVENED AT 12.02

**642. NORTH INCH GOLF COURSE ANNUAL REPORT 2017/18**

There was submitted a report by the Executive Director (Housing and Environment) (18/369) bringing forward the North Inch Golf Course – Annual Report 2017/18, based on the previously approved Business Plan.

**Resolved:**

- (i) The North Inch Golf Course Annual Report 2017/18, as set out in Report 18/369, be endorsed.
- (ii) The Executive Director (Housing and Environment) to submit the 2018/19 Annual Report to Environment and Infrastructure Committee in November 2019.

COUNCILLORS M BARNACLE AND T GRAY LEFT THE MEETING AT THIS POINT.

**643. DIVERSION OF RIGHT OF WAY AND CORE PATH AT PANHOLES LEVEL CROSSING, BLACKFORD**

There was submitted a report by the Executive Director (Housing and Environment) (18/370) relating to the proposed diversion of a right of way and core path, the stopping up of the pedestrian level crossing and the construction of a replacement footbridge at Panholes, near Blackford.

**Resolved:**

- (i) The stopping up and diversion of the footpath from A to B via C (the level crossing) to an area of ground from A to B via D and E, as shown in Appendix 3 of Report 18/370, at Panholes, Blackford (pedestrian right of way 21/29/3 and core path BLFD/3), in terms of the Town and Country Planning (Scotland) Act 1997, Section 208, be agreed.

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- (ii) The Head of Legal & Governance to undertake the diversion order process to confirm the order, including participating in a local inquiry, if required.
- (iii) The Executive Director (Housing & Environment) to amend the Council's Register of Public Rights of Way and the Core Path Plan to reflect the stopping up and diversion order.
- (iv) The developer, Network Rail Infrastructure Limited, to meet the costs associated with the Diversion Order.

**644. PROPOSED 30MPH SPEED LIMIT AT ABERNYTE (U142 OFF B953)  
(Ward 1)**

There was submitted a report by the Depute Director (Housing and Environment) (18/371) (1) detailing a proposal to introduce a 30mph speed limit at Abernyte (U142 Off B953) (Ward 1); and (2) recommending the start of varying the Traffic Regulation Order to 30mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 30mph speed limit, as show in Appendix 1 to the report 18/371, be approved.

**645. PROPOSED 40MPH SPEED LIMIT AT GAULS OF MURTHLY (U116)  
(WARD 5)**

There was submitted a report by the Depute Director (Housing and Environment) (18/372) (1) detailing a proposal to introduce a 40mph speed limit at Gauls of Murthly (U116) (Ward 5); and (2) recommending the start of the varying Traffic Regulation Order for the 40mph Speed Limit.

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to allow the start of the process towards the introduction of a 40mph speed limit, as shown in Appendix 1 to the report 18/372, be approved.

**646. PROPOSED VARIATION TO WAITING RESTRICTIONS GALLOWHILL ROAD/MUIRS & HIGH STREET, KINROSS (Ward 8)**

There was submitted a report by the Executive Director (Housing and Environment) (18/374) outlining the problems experienced by residents in Gallowhill Road/Muir's and High Street, Kinross due to indiscriminate parking; and (2) recommending a start to the process to vary the Kinross Traffic Management Order to introduce additional waiting restrictions Gallowhill Road/Muir's and High Street, Kinross (Ward 8).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to introduce No Waiting at Any Time waiting restrictions on Gallowhill Road/Muir's and High Street, as described in Appendix 1 to the report 18/374, be approved.

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**647. PROPOSED VARIATION TO WAITING RESTRICTIONS, TAY STREET, PERTH (WARD 12)**

There was submitted a report by the Depute Director (Housing and Environment) (18/375) (1) outlining the problems experienced by residents in Tay Street, Perth with poor visibility due to parked vehicles; and (2) recommending a variation to the Perth Traffic Management Order to start the process of introducing additional waiting restrictions on Tay Street, Perth (Ward 12).

**Resolved:**

The promotion of a variation to the relevant Traffic Regulation Order to remove a single Pay and Display parking bay and introduce No Waiting at Any Time restrictions on Tay Street, as described in Appendix 1 to the report 18/375, be approved.

**648. AMENDMENTS TO THE LIST OF PUBLIC ROADS**

There was submitted a report by the Depute Director (Housing & Environment) (18/376) recommending that the List of Public Roads be updated to take account of the amendments detailed in this report.

**Resolved:**

The amendments to the List of Public Roads, as detailed in Appendix 1 to the report 18/376, be approved.

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## PERTH AND KINROSS COUNCIL

### ENVIRONMENT AND INFRASTRUCTURE COMMITTEE

23 January 2019

#### REVIEW OF PLANNING ENFORCEMENT CHARTER

**Report by Executive Director (Housing & Environment) (Report No. 19/17)**

This report seeks approval of an amended version of the Council's Planning Enforcement Charter, following a regular review, as required by legislation.

#### 1. BACKGROUND / MAIN ISSUES

- 1.1 The Planning Etc. (Scotland) Act 2006 (which amended the Town and Country Planning (Scotland) Act 1997) introduced a statutory requirement for Planning Authorities to prepare and publish a Planning Enforcement Charter. The Act specifically requires these charters to set out:
  - a statement of the Authority's policies as regards their taking of enforcement action;
  - an account of how members of the public can bring any ostensible breach of planning control to the attention of the Authority;
  - how any complaint about how the Authority takes enforcement action can be made; and
  - the Authority's procedures for dealing with any such complaint.
- 1.2 There is a requirement for Planning Authorities to review, update and publish a new Charter every two years. The Council, through the Enterprise and Infrastructure Committee, approved and adopted the existing Planning Enforcement Charter on 11 January 2017 ([Report Number 17/12](#) refers). This 2016 review informed the objectives and customer standards within the Charter through a stakeholder survey. The final published Charter approved by Committee is available to view on the [Council's website](#).
- 1.3 The Planning Enforcement Charter plays a useful role in clarifying the Council's approach to planning enforcement, both to customers who bring suspected breaches of planning control to our attention and to those who have an interest in the site subject of the possible breaches. Throughout the last two years, officers have gained experience of applying the objectives of the Charter. This, together with feedback from stakeholders during the consideration of enforcement cases, has been used to examine its effectiveness and identify areas for improvement. Selective benchmarking and reviewing of other authorities' charters was also undertaken as part of this process.
- 1.4 The Scrutiny Review of Planning Enforcement has now been completed ([Report Number 18/290](#) refers). However, the recommendations contained in The Scrutiny Review Report on Planning Enforcement, which helped shape

the 2016 Charter, continue to provide focus for the objectives and approach to enforcement ([Report Number 16/397](#) refers) as set out in the proposals below.

## **2. PROPOSALS**

- 2.1 As advised above, the 2016 review identified the priority areas for planning enforcement within Perth and Kinross, informed through the Scrutiny Review and a stakeholder engagement process. It is considered that the key priorities for, and approach to, planning enforcement expressed through the existing Charter remain fundamentally sound and fit for purpose, as well as reflecting Council objectives.
- 2.2 Accordingly, the proposed 'Priorities for Planning Enforcement' for the 2018 Charter remain the same; the only change being proposed is to widen the category for unauthorised felling or works to trees to also include those within conservation areas. However, scope for further refinement to our approach to planning enforcement, how this is communicated to stakeholders and how they are involved in the whole process have been identified. The proposed updated 2018 Charter is provided in Appendix 1..
- 2.3 The main changes proposed in the updated charter are highlighted with the use of italics. The changed text seeks to explain more clearly to stakeholders the context in which planning enforcement operates within the Council's wider objectives, how Development Plan policy objectives are considered and how Scottish Government guidance is put in to practice. To achieve this, the content from the 2016 Charter has been reconfigured to better set out these statutory contexts.
- 2.4 The proposed Foreword provides an overarching message to support this. It also provides the key details on how we can be contacted to report a suspected breach of planning control and where further, more detailed guidance on planning enforcement can be found. The role of the Planning Enforcement Service, our approach to enforcement and the aims of Charter – specifically highlighting the key role our customers our play and how they are engaged in the process – are then explained. Having established this overall context, our 'Priorities for Planning Enforcement', as referred to above, are then set out.
- 2.5 The Charter seeks to guide the stakeholder through the planning enforcement process, as far as possible doing this chronologically through the keys stages of the enforcement process. This is to provide information about what to expect as a customer (the 'customer journey').
  - identifying what constitutes a breach of planning control;
  - how to report suspected breaches to us;
  - explaining possible informal and formal action that could be taken by the Planning Authority;

- our process for investigating reported breaches; and
- how we will act on breaches to secure compliance or a conclusion to the case, if appropriate.

- 2.6 The proposed Charter seeks to integrate and broaden the accessibility for customers within the planning enforcement process. Accessibility is being enhanced in a number of ways, such as further directing the customer to our online services, reporting breaches through our [Breach of Planning Control Form](#) and using our [Online Planning System](#) to monitor progress of related planning applications. This allows suspected breaches to be reported more easily, with immediate confirmation that it has been received. Further improvements in the reporting process are also being explored, and the opportunity to utilise an eForm on our website in the future is being taken, as is adding the reporting of possible breaches through the [Council's MyPKC](#) customer portal. It is anticipated that these improvements will occur during 2019. It is also intended to make planning enforcement cases accessible on the Online Planning System in 2019.
- 2.7 Effective communication is an essential part of the process. The feedback received from stakeholders within planning enforcement again highlights an opportunity to improve how we keep customers informed throughout the process. The 2016 Charter set out four broad customer standards for enforcement. Following on from the theme of the 'customer journey' set out in Para 2.5 above, the revised Charter proposes seven 'Service Standards', each covering a key stage of the process, to underpin the level of service that the customer can expect. Each service standard will ensure that the customer knows what they can expect at each stage, by defining timescales where it involves communication with them or by setting targets for the Planning Authority when action would be taken or a decision will be made.
- 2.8 The proposed Service Standards are as follows:

| <b>Commitment to initiating and maintaining communication with customers:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Service Standard - 1:</i></b> After preliminary checks, we will register your enforcement observation and you will receive either an email or written confirmation of this within 5 working days from receipt. This acknowledgement will include the reference number for the case as well as the contact details of the investigating Enforcement Officer.                                                                                                                                                |
| <b><i>Service Standard - 2:</i></b> Where a site visit is required we will undertake this within 15 working days from receipt of the observation.                                                                                                                                                                                                                                                                                                                                                                |
| <b><i>Service Standard - 3:</i></b> You will receive a follow-up response to your observation within 20 working days of receipt. This will advise of any provisional findings and, where relevant, detail the proposed course of action for the case, which could mean enforcement action being taken. Communication will also be made at this stage with the Developer on our findings and possible action.<br><br><i>You may also be advised at this stage if the observation does not constitute a breach</i> |

|                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <i>of planning control or is not a planning matter – either of which will result in your case being closed. We will set out in writing our reasoning for all cases closed in a Closing Report.</i>                                                                                                                                                                                              |
| <b>Possible resolution for minor breaches:</b>                                                                                                                                                                                                                                                                                                                                                  |
| <i><b>Service Standard - 4:</b> Where works or development has been carried out without planning permission, but we consider that the development is likely to be acceptable in terms of Development Plan policy, we may invite an application or we may serve a notice under Section 33A of the Planning Act that requires the developer to submit a planning application retrospectively.</i> |
| <b>Case conclusion or interim updates:</b>                                                                                                                                                                                                                                                                                                                                                      |
| <p><i><b>Service Standard - 5:</b> We will either conclude the case within, or provide an update to you, within 40 working days from receipt of your observation.</i></p> <p><i>When an enforcement case is being closed, a Closing Report will be prepared which will explain why we have come to a decision. This report will be made available to the public.</i></p>                        |
| <b>Timescales for formal enforcement action:</b>                                                                                                                                                                                                                                                                                                                                                |
| <i><b>Service Standard - 6:</b> We will, where it is considered expedient to do so, aim to serve any enforcement notice within 3 months from the date of the original observation and we will advise you when this is done.</i>                                                                                                                                                                 |
| <b>Informing and advising on appeals to any formal action taken:</b>                                                                                                                                                                                                                                                                                                                            |
| <i><b>Service Standard - 7:</b> Where an appeal is submitted against a notice, we will advise you that an appeal has been submitted and inform you on how you can monitor the outcome of this appeal. Following an appeal decision, we will advise of any further action we will take, as appropriate.</i>                                                                                      |

- 2.9 These service standards support the customer journey, providing certainty for stakeholders and also setting out a process map for officers and stakeholders alike to follow. It is anticipated that the timescales set out in service standards could also be used in future as a means to assess performance (which could be reported in the Annual Planning Performance Report). This will, in turn, identify areas for improved communication and customer engagement.
- 2.10 As part of the process of reviewing the Charter, an opportunity was identified to better communicate our decision making to stakeholders. To facilitate this, an 'Enforcement Case Closure Report' (as referred to in the proposed Service Standard 5) is being developed as a priority for improved engagement with customers. This report will have a similar function to a 'Report of Handling' for planning applications. It will be prepared by officers at the end of the process when an enforcement case is closed. Unlike planning applications; however, reports are not a statutory requirement for enforcement cases. The Closure Reports will provide the key details of the case and will contain information on:



- what the reported breach of planning control was;
  - what our investigation found, and;
  - what action we took where a breach of planning control was identified and/or why the case is being closed.
- 2.11 These reports will be in place no later than January 2019 and each report will be accessible to the public via the [Online Planning System](#). The publication of these reports was not, until recently, possible prior to a recent system upgrade. This improvement will also increase transparency in planning enforcement by setting out clearly:
- our interpretation of applicable law and regulations;
  - the completeness of our investigation; and
  - why we have decided to use statutory enforcement powers or, indeed, exercised our discretion not to use such powers.
- 2.12 [The Planning \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 4 December 2017. The Bill, as introduced, proposes a number of amendments to the Town and Country Planning (Scotland) Act 1997. With respect to planning enforcement, Section 22 and 23 are relevant; proposing increases to fines and liability for expenses under enforcement notices. The Bill completed Stage 1 (parliamentary committee) on 29 May 2018 and completed the Stage 2 (committee scrutiny) in November 2018. During the Stage 3 debate in Parliament the Bill is subject to possible modification. It is anticipated that the Bill will progress to Royal Assent during 2019.
- 2.13 The Bill could alter the legislative framework and therefore duties and operations of the Planning Enforcement team. This process will be monitored and changes will be considered by the Planning Member Officer Working Group and practice will be amended accordingly. Changes of significance will be reported in the 2019 Annual Planning Enforcement Report and reflected in subsequent Enforcement Charters, as required.
- 2.14 As with the previous version of the Charter, upon Committee approval, it is again proposed to request the Council's Design Team to produce the final document for publication in booklet form, for hard copies and in electronic format, to make it more visually appealing and accessible. The Charter will be available on the [Planning Service's website](#) and will be distributed in electronic format in the first instance, wherever possible.

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

- 3.1 The revised Planning Enforcement Charter builds on the principles of our approach to, and our priorities for, planning enforcement as established through earlier customer engagement and the Scrutiny Review on Planning Enforcement. A number of refinements and clarifications have been made to the revised Charter to make the process clearer for all stakeholders. It is also intended to provide more effective communication and accountability within the planning enforcement process. The publication of the revised Charter will

set out these updated principles and represent a material consideration for officers in the handling for all planning enforcement matters.

3.2 It is recommended that the Committee:

- (i) approves the proposed Planning Enforcement Charter 2018 contained in Appendix 1.

**Author**

| <b>Name</b> | <b>Designation</b>                               | <b>Contact Details</b>                                                                           |
|-------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Jamie Scott | Team Leader (Major Applications and Enforcement) | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>    | <b>Designation</b>                         | <b>Date</b>     |
|----------------|--------------------------------------------|-----------------|
| Barbara Renton | Executive Director (Housing & Environment) | 16 January 2019 |

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

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

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 This report supports the delivery of the strategic objectives within the Community Plan / Single Outcome Agreement 2013-23 in terms of the following principles:

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

#### Corporate Plan

- 1.2 This report contributes to the achievement of the following the Corporate Plan Priorities:

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

## **2. Resource Implications**

### Financial

- 2.1 There are no direct financial implications arising from this report, other than costs from the publication of the finalised Charter.

### Workforce

- 2.2 There are no implications arising from this report.

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

- 2.3 There are no implications arising from this report.

## **3. Assessments**

### Equality Impact Assessment

- 3.1 Following an assessment using the Integrated Appraisal Toolkit, it has been determined that the proposal is **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No further action is required as the subject of this report does not qualify as a plan, programme or strategy (PPS) as defined by the Act and is therefore exempt.

### Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
  - in the way best calculated to deliver any statutory adaptation programmes; and
  - in a way that it considers most sustainable.
- 3.4 There are no adberse sustainability implications of the report under this legislation.

### Legal and Governance

- 3.5 There are no implications arising from the report.

### Risk

- 3.6 There are no risks associated with the report.

## **4. Consultation**

### Internal

- 4.1 None.

### External

- 4.2 None.

## **5. Communication**

- 5.1 The revised Charter will be widely publicised to raise awareness with stakeholders. It will be available in electronic format from our website and hard copies made available.

## **2. BACKGROUND PAPERS**

- 2.1 Perth and Kinross Planning Enforcement Charter (2016)
- 2.2 The Sixth Scrutiny Review Report on Planning Enforcement considered by the Scrutiny Committee on 21 September 2016.

## **3. APPENDICES**

- 3.1 Appendix 1: Proposed Planning Enforcement Charter (2018)





# **Perth and Kinross Council**

## **Planning Enforcement Charter**

**Revised November 2018**

## **Foreword**

*Development within Perth and Kinross contributes towards the Council's objectives and priorities for the area, as expressed through our [Corporate Plan 2018-2022](#). Planning Enforcement plays an important role to uphold this contribution and to maintain public confidence in the planning system, by ensuring that the intended benefits of development are realised and our natural and built assets are protected.*

*This Charter sets out the Council's approach to planning enforcement and places the public and all stakeholders in the planning system at the core of what we do. We therefore set out what we can and cannot do, explain the processes involved and make a commitment on the level of service we aim to provide. We value public input in this process and, as such, we endeavour to make the reporting of possible breaches of, and engagement within the planning system, by the public accessible to all.*

*You can report a suspected breach of planning control using the form on our website or by submitting an email to us:*

<http://www.pkc.gov.uk/article/15035/Planning-Enforcement>

[PlanningEnforcement@pkc.gov.uk](mailto:PlanningEnforcement@pkc.gov.uk)

*If you are unsure about whether the development or work carried out is a breach of planning control, you can check what constitutes a breach and check what does and does not need permission on these webpages:*

<http://www.pkc.gov.uk/article/15035/Planning-Enforcement>

<http://www.pkc.gov.uk/article/14991/What-needs-planning-permission->

*You can check to see if a development has a valid planning permission or other required consents by using our Online Planning System:*

<https://planningapps.pkc.gov.uk/online-applications/search.do?action=simple&searchType=Application>



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## **The Planning Enforcement Service**

Planning permission is required for most forms of development unless it is classed as 'permitted development'. When development or work is undertaken without permission, or not in accordance with a previously approved permission or consent, Councils have as the Planning Authority, discretionary powers to investigate and take enforcement action, as deemed appropriate, when it is in the public interest to do so. It is the role of the Planning Enforcement team to carry out these duties. A comprehensive guide to Planning Enforcement can be found in the [Scottish Government's Circular 10/2009](#).

This Charter outlines how the planning enforcement system operates and what can be expected of the service provided by Perth & Kinross Council. Planning Enforcement Charters are, as defined in Section 158A of the Town and Country Planning (Scotland) Act 1997 (as amended), a statutory requirement for Planning Authorities.

This Charter explains the role of the Council and how enforcement process works and sets out:

- The Council's role and policy on taking Planning Enforcement Action, including our priorities and the service standards you as a customer (both those who report breaches or who are developers) can expect;
- How customers can bring any breach of planning control to the attention of the Council;
- Explains what happens at each stage of what can sometimes be a lengthy process; and
- How any complaint about the Council taking enforcement action can be submitted and how it will be dealt with.

We continually monitor the implementation of the Charter to ensure that standards are being met and priorities are being addressed. As part of this review process, we publish an [Annual Planning Enforcement Report](#) on our performance. This Charter reflects this review process since our last charter was published in October 2016.

## **Our Approach to Planning Enforcement**

Perth & Kinross Council's aim for planning enforcement is, where possible, to resolve the problem through negotiation, if that is possible, rather than punishing the person who breached planning controls. Failing this, formal action may then be necessary to remedy the breach. Enforcement is, however, a discretionary power and the Council needs to consider in each case if enforcement action is justified and in the wider public interest. The Council is not required to take any particular action and may decide, in some cases, that not taking action is justified. We will explain Closing Report our reasoning for all enforcement cases that are closed.

Scottish Government guidance on the use of enforcement powers is provided in [Circular 10/2009 'Planning Enforcement'](#). This guidance explains, among other matters, that Council's should not take enforcement action just to address a breach of planning control if the development is otherwise acceptable in planning terms, and is sensitive to the impact of enforcement action on small businesses. The primary aim for seeking retrospective planning consent is normally to secure ongoing controls through the imposition of planning conditions.

Our Planning Enforcement team undertake regular monitoring of developments to ensure compliance with conditions and legal agreements associated with planning permissions. We also carry out investigations of development where permission does not exist.

Ultimately, we seek to ensure that effective action is taken against breaches of planning control, particularly where these have significant adverse impacts on the environment or on communities. Accordingly, we set out our **Priorities for Planning Enforcement** below.

### **Priorities for Planning Enforcement**

Whilst we will consider all observations of suspected breaches of planning control, including non-compliance with planning conditions and obligations, our priorities will be to direct resources to significant or harmful breaches of planning control including:

|                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Significant detrimental impacts on <b>matters of environmental importance</b> , especially on sensitive or protected environments.                                                |
| Matters of <b>pedestrian and traffic safety</b> .                                                                                                                                 |
| Significant detrimental impacts on <b>residential amenity</b> .                                                                                                                   |
| Significant detrimental effects on <b>public visual amenity</b> .                                                                                                                 |
| Breaches of condition or the terms of a legal agreement in respect of a <b>major development</b> or development where there is a <b>significant level of community interest</b> . |
| Damage to <b>Listed Buildings</b> and works which adversely affect their character.                                                                                               |
| Breaches of planning control within designated <b>Conservation Areas</b> , particularly where improvement schemes have been promoted by the Council.                              |
| Unauthorised felling of or works adversely affecting all trees protected by ( <b>Tree Preservation Orders, trees in Conservation Areas and where planning conditions apply</b> ). |
| Breaches of planning control which undermine a <b>Council policy or programme</b> .                                                                                               |

## Reporting a Breach of Planning Control

*When a breach of planning control is received or identified, there are two decisions for the Planning Enforcement team:*

- *Whether a breach of planning control has taken place; and*
- *If a breach has occurred, whether it is expedient to take any enforcement action.*

As advised previously, the decision of whether or not to take action is at the discretion by the Council and is a matter of judgement, having regard to planning facts and circumstances of the case. Any action taken must be in the public interest and be proportionate to the breach.

*If you believe work or development is being carried out constitutes a breach of planning control you can submit this to us through our [Report a Breach of Planning Control Form](#), which provides us with all of the necessary information to begin an investigation. This form, or the information requested therein, can also be submitted by email to:*

[PlanningEnforcement@pkc.gov.uk](mailto:PlanningEnforcement@pkc.gov.uk).

## Breaches of Planning Control

- Work being carried out without planning permission or a related consent;
- An unauthorised change of use;
- Failure to comply with conditions attached to a permission or consent; and
- Departures from drawings or documents approved as part of a planning permission or other consent.

We do undertake proactive monitoring of approved developments; however, it is not possible, to monitor every development. Consequently the public play an extremely important role in alerting the Council to, and providing information on, any possible breaches they are aware of, whether or not that development has planning permission.

*Possible or known breaches of planning control are often identified by the public when purchasing a property. There is an opportunity through the conveyancing process for the public to establish any such breaches through [Property Enquiry Certificates](#) – which will provide information on any enforcement notices or other notices that affect the property or land. The sales process is often a good opportunity to remedy existing breaches between the seller, buyer and the Council.*

You can check to see [what needs planning permission](#) on our website. You can also see if the developer already has planning permission and/or other consents in place, as well as and conditions that are attached to these, by using our [Online Planning System](#).

## Other Enforcement Controls

Other types of work or possible offences can be reported to us, using our [Breach of Planning Control Form](#), so we can investigate whether a breach or offence has taken place. These include:

### Listed Buildings and Conservation Areas

*The enforcement rules that apply to **Listed Buildings**, demolitions and works in a **Conservation Areas** are set out in the [Planning \(Listed Buildings and Conservation Areas\) \(Scotland\) Act 1997](#) and associated regulations.*

*Unauthorised works can lead to a Listed Building Enforcement Notice being served and such unauthorised work can constitute a criminal offence, which could result in a £50,000 fine and/or a custodial sentence of up to 6 months.*

### Advertisements

*Different procedures again apply compared to development. Adverts are regulated through the [Town and Country Planning \(Control of Advertisements\) \(Scotland\) Regulations 1984](#). These controls relate to the form and siting of adverts only and we have the ability to serve Advertisement Enforcement Notices. The actual **content** of an advertisement **is not** covered by planning control and any complaints about this should be made to:*

The Advertising Standards Authority  
Mid City Place  
71 High Holborn  
London  
WC1V 6QT

Or by visiting: <http://www.asa.org.uk>

### Trees

*Under S171 of the Town and Country Planning (Scotland) Act 1997, it is an offence to carry out works to trees subject to statutory protection, that results in their uprooting, felling, lopping or wilful destruction, without the prior consent of the planning authority,*

*Formal action can be taken against persons who have carried out unauthorised works to trees that are subject to statutory protection by virtue of either a Tree Preservation Order (TPO) or being within a Conservation Area. Where protected trees have been removed or destroyed formal action can take the form of service of a Tree Replacement Notice requiring tree replacements. In certain cases, reports for offences in respect of trees may be submitted to the Procurator Fiscal and, if successful, can result in fines up to £20,000.*

### High Hedges

A relatively recent addition to the Council's enforcement function, which is separate to other aspects of planning enforcement, is the power to serve a High Hedge Notice under the [High Hedges \(Scotland\) Act 2013](#). This requires

a resident whose amenity is severely affected by a high hedge to formally apply to the Council to have a notice served on the hedge owner to remove or reduce the adverse impact of the high hedge.

Further information on our approach and remit for [High Hedges](#) can be found on our website.

**NOTE:** *High Hedges applications will be determined in accordance with their own statutory process and timescales, and, as such the **Service Standards** set out within this Charter do not apply.*

*The Council will always treat information about the identity of people who report breaches to us in confidence and will only disclose it when required to do so by law.*

*We do encourage you to provide your name and contact details, as we may require further information from you as the investigation progresses or to understand the impacts of the breach and how it affects you. This also allows us to keep you informed of progress and the outcome of our investigations.*

*Where an anonymous observation is received, we reserve the right to choose not to investigate. Where it relates to one of our priority areas, or it is judged to be in the public interest, we are more likely to investigate breaches that have been reported anonymously.*

## **Investigating Possible Breaches of Planning Control**

### Registration of Your Observation

When we receive an observation, firstly we check that it includes all of the information we need for an enforcement case to be investigated. Where an enquiry relates to non-planning matters, such as neighbour disputes or other civil issues, these cannot be investigated by the Council. If your enquiry relates to another function of the Council, we will direct this to the appropriate department.

**Service Standard - 1:** *After preliminary checks, we will register your enforcement observation and you will receive either an email or written confirmation of this within 5 working days from receipt. This acknowledgement will include the reference number for the case as well as the contact details of the investigating Enforcement Officer.*

*Following registration, an Enforcement Officer may visit the site to investigate the possible breach of planning control. The timescales for this will depend on factors such as the type and significance of the breach. The Council has legal powers to enter land or property in order to identify if a breach of planning control has taken place. The same powers are available throughout the process for the purposes of investigation or assessing compliance with any enforcement notices served (see '[Resolving Cases](#)' below).*

**Service Standard - 2:** *Where a site visit is required we will undertake this within 15 working days from receipt of the observation.*

*In some cases, we may require further information from you about the suspected breach, such as photographs or evidence of development or activity, before or instead of visiting the site. Additional investigation at this stage may also be required for some cases to establish if a breach has occurred, such as utilising our legal powers to seek information from the developer(s) about the use of land and/or parties that have an interest in the land. This can include us serving a Planning Contravention Notice (PCN). The serving of notices for this purpose may lengthen the process and, if this is required, this will be explained to you where possible.*

**Service Standard - 3:** *You will receive a follow-up response to your observation within 20 working days of receipt. This will advise of any provisional findings and, where relevant, detail the proposed course of action for the case, which could mean enforcement action being taken. Communication will also be made at this stage with the Developer on our findings and possible action.*

*You may also be advised at this stage if the observation does not constitute a breach of planning control or is not a planning matter – either of which will result in your case being closed. We will set out in writing our reasoning for all cases closed in a Closing Report.*

*Where a breach of planning control is identified and we provide an undertaking to resolve it, be that through informal or formal means, we will do this as quickly as possible. It is advised however that progress on the case can be delayed for a number of reasons; such as the collection and verification of which could be over a period of time, so negotiations could take place or where formal procedures are instigated.*

*The resolution to a breach may be through a planning application or other consents (such as Listed Building Consent) being submitted to regularise the breach. Where the development is likely to be acceptable the Council may seek the submission of an application in retrospect as a valid means of assessing the development and a formal decision will be made through the planning application process. This will increase the timescales for the enforcement case. You will, however, have the right to make representation on the application.*

**Service Standard - 4:** *Where works or development has been carried out without planning permission, but we consider that the development is likely to be acceptable in terms of Development Plan policy, we may invite an application or we may serve a notice under Section 33A of the Planning Act that requires the developer to submit a planning application retrospectively.*

*Where we previously advised that a conclusion to a case has not been reached we will keep you informed of the progress with the case or notify you its conclusion. If at any point we decide that further action is not justified we will inform you of this and the reasons for that decision. In some cases it may be inappropriate to regularly provide an update on the progress of enforcement action, particularly when the matter proves difficult to resolve quickly. You will be advised accordingly in such circumstances.*



***Service Standard - 5: We will either conclude the case within, or provide an update to you, within 40 working days from receipt of your observation.***

*When an enforcement case is being closed, a Closing Report will be prepared which will explain why we have come to a decision. This report will be made available to the public.*

## **Acting on Breaches of Planning Control**

### Informal Action and Discretion

It should be noted that, even though planning controls have been breached, in some cases formal action may not be appropriate. Furthermore, most breaches of planning control are resolved through informal action. *The Council is obliged to use its discretion when considering action and be proportionate with formal powers. Each case must be considered on its own merits and the best solution in the circumstances must be decided.* Only a relatively small number of cases require formal enforcement action where we will serve a formal notice.

### Formal Action

If we are unable to resolve a breach through informal measures, or through a planning application, we may take formal enforcement action through the serving of a notice, where such action is justified. This will normally be either an Enforcement Notice or a Breach of Condition Notice. In some cases a Stop Notice or a Temporary Stop Notice might also be appropriate. Notices will clearly explain what is required, the timescales involved and the available options to resolve the issue.

*It should also be noted that an enforcement notice will be associated with the building or land to which it relates until its provisions have been fully discharged. This will be highlighted in any Property Enquiry Certificate issued when a property is being sold.*

The type of notices we can serve and when they can be served is fully explained in the [Scottish Government's Circular 10/2009](#). In summary, the Council's powers include the ability to issue a **Temporary Stop Notice** to stop development. These Notices are valid for up to 28 days and are effective from the time they are served, without requiring that an Enforcement Notice be served first. This allows the Council 28 days before a formal Enforcement Notice and Stop Notice, if necessary, require to be served.

In most cases where a breach merits formal action, an **Enforcement Notice**, or a similar notice such as a **Listed Building Enforcement Notice, Breach of Condition Notice or Amenity Notice** is served on those involved in the development or who own or have an interest in the property. These notices include the following information:

- A description of the breach of control that has taken place.
- The steps that should be taken to remedy the breach.



- The timescale for taking these steps.
- The consequences of failure to comply with the notice.
- Where appropriate, any rights of appeal the recipient has and how to lodge an appeal.

An **Enforcement Notice** can be accompanied by a **Stop Notice** if it is considered justified to prevent, for example, further work being carried out which is likely to have a significant detrimental impact on matters such as environmental quality.

Where a Notice is not complied with there may be further consequences and the Council will usually take further formal steps, which can include:

- The issue of a fixed penalty notice;
- Seeking interdicts or referral of the case to the Procurator Fiscal for prosecution; or
- Direct action by the Council, to undertake the action specified in a notice, which will include seeking recovery of our costs.

*In taking such action, the Council will consider the most effective means of ensuring compliance with the notice(s). The authority to proceed with taking formal action or legal proceedings has been delegated to the Head of Planning and Development.*

**Service Standard - 6:** *We will, where it is considered expedient to do so, aim to serve any enforcement notice within 3 months from the date of the original observation and we will advise you when this is done.*

## Appeals

Where a notice is served the Developer can, in most cases, submit an appeal to the Scottish Ministers. Most enforcement appeals are delegated to Reporters within the [Scottish Government's Planning and Environmental Appeals Division \(DPEA\)](#) to determine. *If this happens timescales will be affected. The Council will defend notices served and you will also have the opportunity to make representation to the Scottish Ministers during the appeal process.*

**Service Standard - 7:** *Where an appeal is submitted against a notice we will advise you that an appeal has been submitted and inform you on how you can monitor the outcome of this appeal. Following an appeal decision, we will advise of any further action we will take, as appropriate.*

## Enforcement Register

We maintain an Enforcement Register, which details all notices served by the Council. Our list of current [Enforcement Notices is available on our website](#).

Alternatively, our statutory **Enforcement Register** can be inspected in person, during normal office hours, by visiting:

[Perth and Kinross Council](#)  
[Pullar House](#)  
[35 Kinnoull Street](#)  
[Perth,](#)  
[PH1 5GD.](#)

#### Time Limits for Enforcement

Planning Enforcement action has to be taken within strict **time limits**:

- **A four year limit** applies to unauthorised operational development (the carrying out of building, engineering, mining or other operations in, on, over or under land) and change of use to a single dwellinghouse.
- **A ten year limit** applies to all other development including change of use (other than to a single dwellinghouse) and breaches of condition.

There is no time-limit restricting the commencement of Listed Building Enforcement Action or action concerning a Tree Preservation Order.

#### **Customer Care and Complaints Process**

*The Perth and Kinross Council's [Customer Service Standards](#) explain the level of service you can expect when contacting Planning Enforcement in writing, by telephone or in person. We are committed to providing high quality customer care and we welcome suggestions on how we can improve our service.*

*We will respond within 15 working days of receiving a suggestion about our Planning Enforcement service. We will consider all suggestions made and use them to review and improve the service we provide. We will communicate with you on any changes we implement.*

Any formal complaint will be dealt with in accordance with the Council's [Complaints Handling Procedure](#). We will always tell you who is dealing with your complaint and how it will be handled and what timescales apply. Our complaints process has two steps:

- **Stage One: Frontline Resolution** – we will give you our decision within **5 working days** or less.

If you are not satisfied with the response at Stage One it will progress to:

- **Stage Two: Investigation** – we will acknowledge your complaint within **3 working days** and provide you a full response within **20 working days**.

Lastly, if you are dissatisfied with the Council's response to your complaint or the way it has been handled, you can ask the [Scottish Public Services Ombudsman](#) (SPSO) to look at it. The contact details for the SPSO are:

SPSO  
FREEPOST EH641  
Edinburgh  
EH3 0BR

Telephone: 0800 377 7330  
Website/Online Contact: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

#### **Our Contact Details:**

##### **Planning Enforcement – Housing and Environment Service**

[Perth Kinross Council](#)  
[35 Kinnoull Street](#)  
[Perth](#)  
[PH1 5GD](#)

**Email:** [PlanningEnforcement@pkc.gov.uk](mailto:PlanningEnforcement@pkc.gov.uk)  
**Telephone:** 01738 475300

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.

#### **HOW WE USE YOUR PERSONAL INFORMATION**

*The information provided by you will be used by Perth & Kinross Council to enable us to investigate the complaint or observation that you have made. The information may be shared with other services within the Council if considered necessary. The information will not be disclosed to third parties.*

*The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.*

*For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.*



# **PERTH AND KINROSS COUNCIL**

## **Environment and Infrastructure Committee**

**23 January 2019**

### **PROPOSED VARIATION TO WAITING RESTRICTIONS, MAIN STREET, INVERGOWRIE (WARD 1)**

**Report by Depute Director (Housing & Environment) (Report No. 19/19)**

This report outlines the problems experienced by residents in Main Street, Invergowrie due to indiscriminate parking. The report recommends a variation to the Invergowrie Waiting Restrictions Order to vary the waiting restrictions on Main Street, Invergowrie (Ward 1).

#### **1. BACKGROUND**

- 1.1 Main Street serves as the main route through Invergowrie with both commercial and residential properties. As a result, it is a busy road with a mixture of passenger vehicles, public service vehicles and commercial vehicles. There is also high demand for parking from both residents and visitors.
- 1.2 Due to driveways having been installed at a number of properties, the Limited Waiting parking bay needs to be reduced in order to allow access to be maintained to the driveways. No Waiting at Any Time restrictions would then replace the Limited Waiting parking, to be consistent with the other lengths of kerb at this section of Main Street.
- 1.3 In order to address the issues at this location, it is proposed to vary the Invergowrie Waiting Restrictions Order to introduce additional No Waiting at Any Time restrictions and to reduce the Limited Waiting parking on Main Street.
- 1.4 Consultation was carried out with the local elected members and Police Scotland, who were all in agreement with the proposal.

#### **2. PROPOSALS**

- 2.1 As a result of the above issue, it is now proposed to introduce additional No Waiting at Any Time restrictions and to reduce the Limited Waiting parking on Main Street, Invergowrie.
- 2.2 The proposals are shown on the plans at Appendix 1.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 This report details the locations where it is proposed to introduce additional No Waiting at Any Time restrictions and reduce the Limited Waiting parking.
- 3.2 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee approve the promotion of a variation to the relevant TRO to introduce No Waiting at Any Time restrictions and reduce the Limited Waiting parking on Main Street, as described.

#### Author

| Name            | Designation                 | Contact Details                                                                                  |
|-----------------|-----------------------------|--------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic and Network Manager | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

#### Approved

| Name           | Designation                             | Date             |
|----------------|-----------------------------------------|------------------|
| Keith McNamara | Depute Director (Housing & Environment) | 30 November 2018 |

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

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

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

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

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

- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

#### Corporate Plan

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

report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Capital

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

### Revenue

- 2.2 There will be costs for advertising the necessary Order in the press and providing the road markings. The indicative cost of advertising an Order is £150 and will be met from the Traffic & Road Network Revenue Account in 2019/20.
- 2.3 The estimated cost of £500 for the road markings will be funded from the Traffic & Road Network Revenue Account in 2019/20.

### Workforce

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

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

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

## **3. Assessments**

### Equality Impact Assessment

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

### Strategic Environmental Assessment

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



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

### Sustainability

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

## **5. Communication**

- 5.1 Approval will allow a start to be made to the formal procedure to generate a Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.

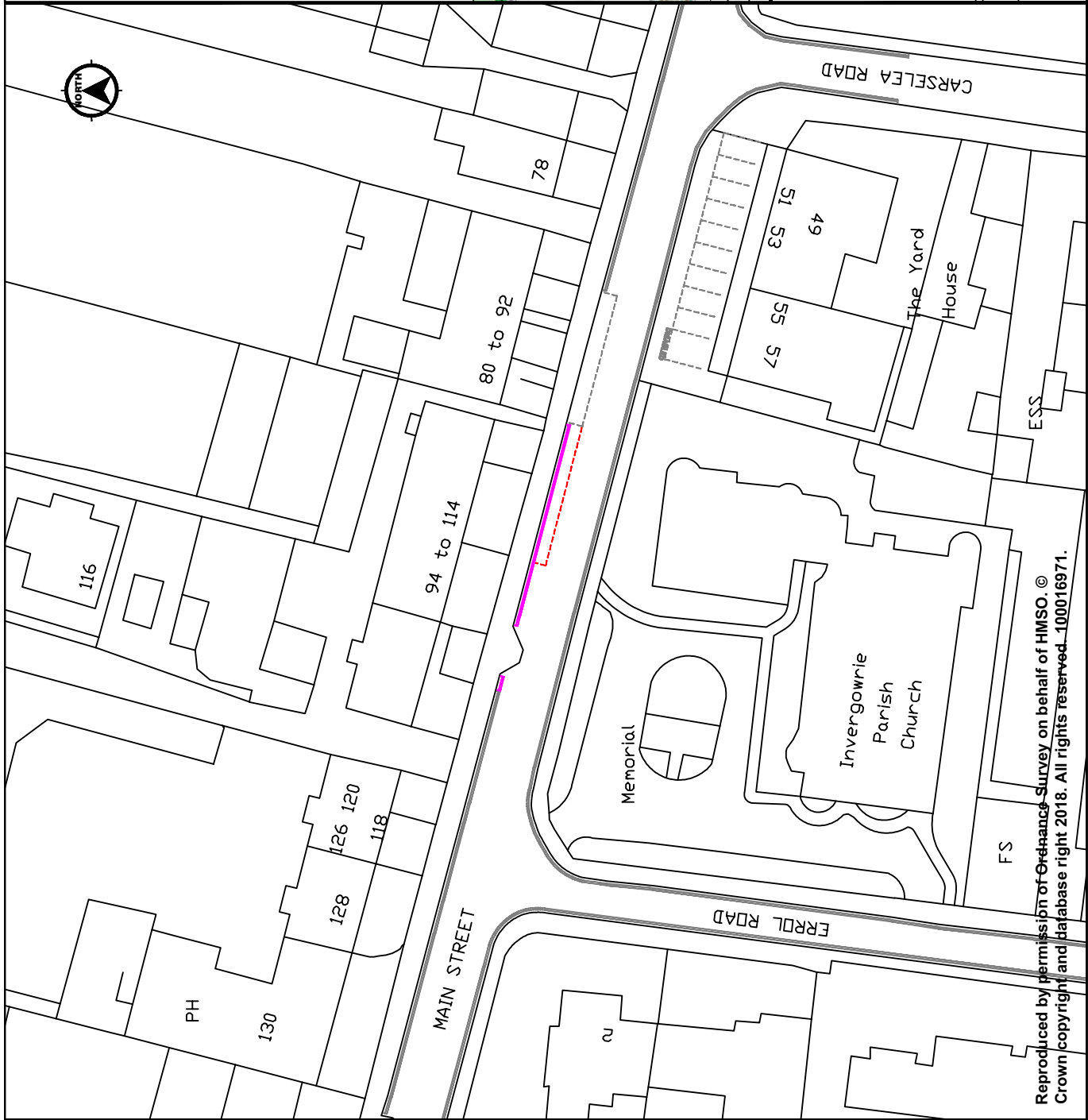
## **2. BACKGROUND PAPERS**

- 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;

## **3. APPENDICES**

- 3.1 The proposal is shown in Appendix 1.






### Legend

- Existing No Waiting At Any Time Restriction
- Proposed No Waiting At Any Time Restriction
- Existing Limited Waiting Parking Bays
- Proposed Removal Limited Waiting Parking Bays



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



**PERTH & KINROSS COUNCIL**

Proposed Introduction of  
No Waiting At Any Time  
Restriction and Reduction of  
Limited Waiting Parking Bay

Main Street, Invergowrie

Appendix 1

Housing & Environment

Drawn by: C BEATTIE

Checked by: D MCKEDD

Approved by: B CARGILL

Date: 24/07/2018

Executive Director - B.Renton BA Hons

Drawing Scale: NTS

Project Code: \*\*\*\*\*

Drawing No: \*\*\*\*\* 01

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# PERTH AND KINROSS COUNCIL

## Environment and Infrastructure Committee

23 January 2019

### PROPOSED ONE WAY ROAD AND VARIATION TO WAITING RESTRICTIONS, LOWER MILL STREET, BLAIRGOWRIE (WARD 3)

#### Report by Depute Director (Housing & Environment) (Report No. 19/20)

This report outlines the problems experienced by residents and business owners in Lower Mill Street, Blairgowrie due to indiscriminate parking. The report recommends a start to the process to vary the Blairgowrie Traffic Management Order to introduce a one way road restriction and waiting restrictions on Lower Mill Street, Blairgowrie (Ward 3).

#### 1. BACKGROUND

- 1.1 Lower Mill Street has a mixture of residential and business properties in close proximity to Blairgowrie High Street. As a result, there is high demand for parking from both residents and non-residents.
- 1.2 Concerns have been raised by a local elected member, business owners and residents regarding parked vehicles causing obstruction, preventing larger vehicles being able to access properties and hindering the free flow of traffic. Due to these concerns, the local community have requested the introduction of a one way road restriction and waiting restrictions to alleviate indiscriminate parking.
- 1.3 In order to alleviate the problems being experienced at these locations, it is proposed to vary the Blairgowrie Traffic Management Order to start the process to introduce a one way road restriction and No Waiting at Any Time waiting restrictions on Lower Mill Street.
- 1.4 Consultation was carried out with the local elected members, Community Council and Police Scotland, who were all in agreement with the proposal. Local consultation was undertaken to gauge opinion and the results are shown below:

| <u>Name on file</u> | <u>Comment or objection</u>                                                  | <u>Response</u>                                                                                                    |
|---------------------|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|                     | Eighteen properties responded supporting the proposal                        | The one way restriction and additional parking restrictions are to ensure the flow of traffic on Lower Mill Street |
|                     | Seven other properties responded objecting to the proposal claiming that the | The issues being raised are in connection with a local business which introduces additional                        |

|                 |                                                           |                                                                                                                                                                                 |
|-----------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                 | proposal does not address the issues on Lower Mill Street | vehicles to the area. The one way restriction and additional parking restrictions will reduce the number of vehicles parking and allow the traffic to flow on Lower Mill Street |
| Elected Members | All supportive                                            |                                                                                                                                                                                 |

## 2. PROPOSALS

2.1 As a result of the above request from a local elected member, business owners and residents, it is now proposed to start the process to introduce a one way road restriction and No Waiting at Any Time restrictions on Lower Mill Street, Blairgowrie.

2.2 The proposals are shown on the plans at Appendix 1.

## 3. CONCLUSION AND RECOMMENDATION

3.1 This report details the location where it is proposed to introduce a one way road restriction and No Waiting at Any Time restrictions.

3.2 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.

3.3 It is recommended that the Committee approve the promotion of a variation to the relevant TRO to introduce a one way road restriction and No Waiting at Any Time waiting restrictions on Lower Mill Street, Blairgowrie as described.

### Author

| Name            | Designation                 | Contact Details                                                                                  |
|-----------------|-----------------------------|--------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic and Network Manager | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

### Approved

| Name           | Designation                             | Date             |
|----------------|-----------------------------------------|------------------|
| Keith McNamara | Depute Director (Housing & Environment) | 30 November 2018 |

|                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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| You can also send us a text message on 07824 498145.                                                                                                                                                                                                        |
| All Council Services can offer a telephone translation facility.                                                                                                                                                                                            |

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

#### Corporate Plan

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

report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Capital

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

### Revenue

- 2.2 There will be costs for advertising the necessary Order in the press and providing the road markings. The indicative cost of advertising an Order is £150 and will be met from the Traffic & Road Network Revenue Account in 2019/20.
- 2.3 The estimated cost of £3,000 for the road markings and signs will be funded from the Traffic & Road Network Revenue Account in 2019/20.

### Workforce

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

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

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

## **3. Assessments**

### Equality Impact Assessment

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

### Strategic Environmental Assessment

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



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

### Sustainability

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

## **5. Communication**

- 5.1 Approval will allow a start to be made to the formal procedure to generate a Traffic Regulation Order. This procedure will involve statutory consultation, Preparation of a draft TRO and advertising in the press. This will provide an Opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with Appropriate recommendations.

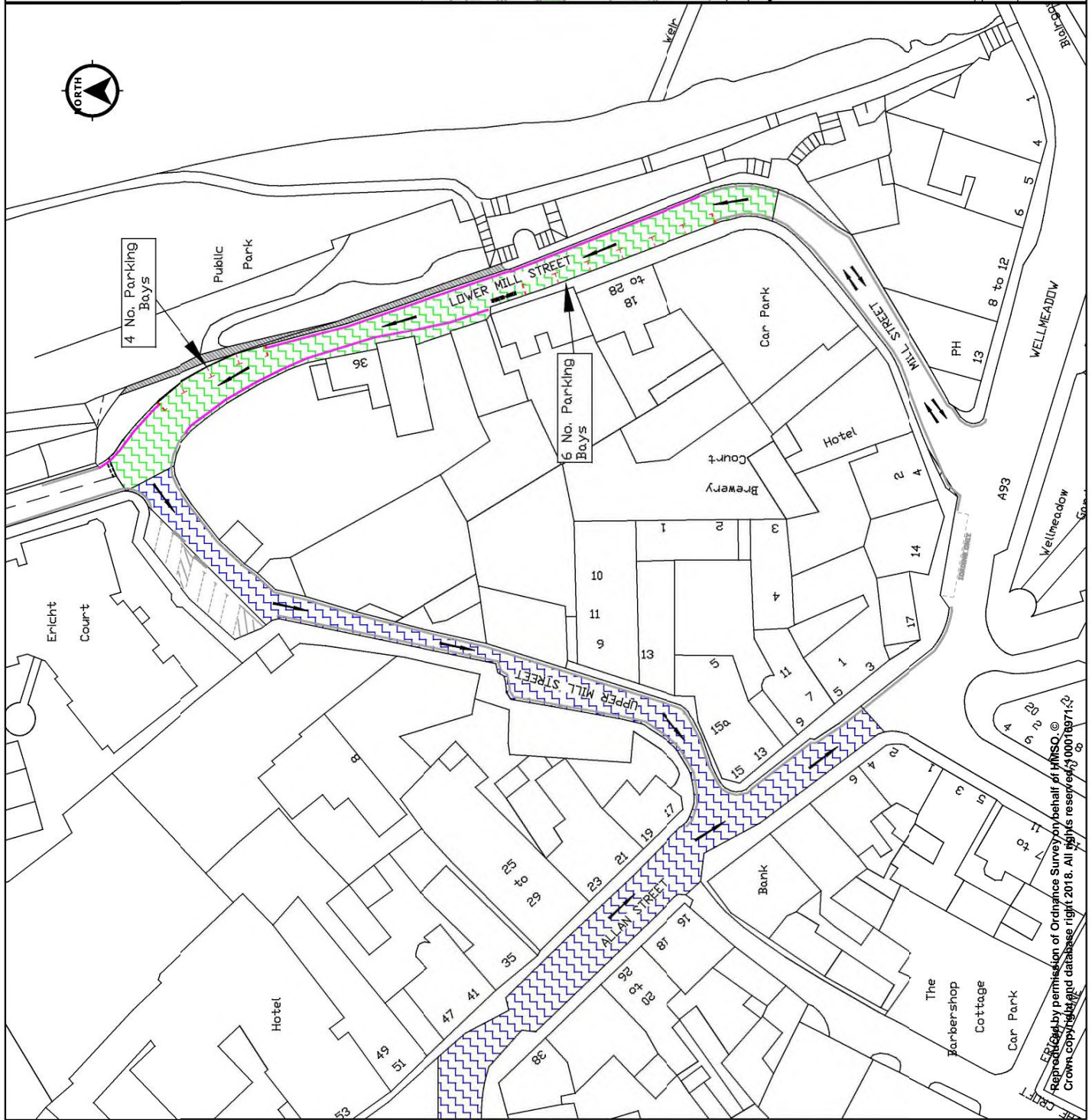
## **2. BACKGROUND PAPERS**

- 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;

## **3. APPENDICES**

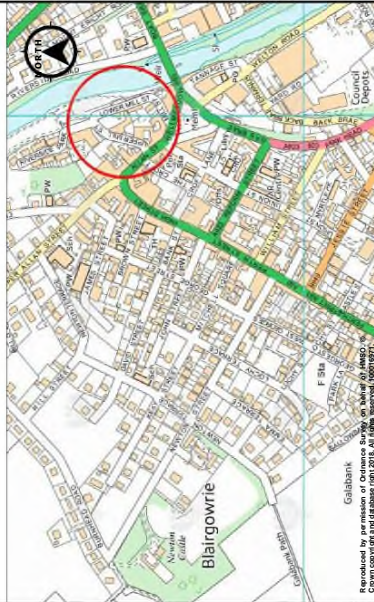
- 3.1 The proposal is shown in Appendix 1.





## Legend

- Existing No Waiting At Any Time Restriction
- Proposed No Waiting At Any Time Restriction
- Proposed Marked Out Parking Bays
- Existing One Way Restriction
- Proposed One Way Restriction



| Suffix | Revision Details | by | Approved | Date |
|--------|------------------|----|----------|------|
|--------|------------------|----|----------|------|

## AMENDMENTS



Proposed Introduction of One Way Restriction & Waiting Restrictions

Lower Mill Street, Blairgowrie

Appendix 1

|                        |                                        |
|------------------------|----------------------------------------|
| Housing & Environment  | Executive Director - B. Renton BA Hons |
| Drawn by: C BEATTIE    | Drawing Scale: NTS                     |
| Checked by: D MCKEDOWN | Project Code: ****                     |
| Approved by: B CARGILL | Drawing No: Plan-01                    |
| Date: 22/08/2018       |                                        |



## PERTH AND KINROSS COUNCIL

### Environment and Infrastructure Committee

23 January 2019

### PROPOSED VARIATION TO WAITING RESTRICTIONS, AVENUE ROAD, TALLA PARK & HIGH STREET, KINROSS (WARD 8)

**Report by Depute Director (Housing & Environment) (Report No. 19/21)**

This report outlines the problems experienced by residents in Avenue Road, Talla Park and High Street, Kinross due to indiscriminate parking. The report recommends a start to the process to vary the Kinross Traffic Management Order to introduce additional waiting restrictions on Avenue Road, Talla Park and High Street, Kinross (Ward 8).

#### 1. BACKGROUND

##### **Avenue Road & Talla Park**

- 1.1 Avenue Road and Talla Park are residential streets in close proximity to Kinross High Street. As a result, there is high demand for parking from non-residents.
- 1.2 Concerns have been raised from a local elected member and residents regarding parked vehicles causing obstruction, preventing larger vehicles being able to access properties and hindering the use of a crossing point. Due to these concerns, the local community have requested the introduction of additional waiting restrictions to alleviate indiscriminate parking.

##### **High Street**

- 1.3 High Street is a busy traffic route through Kinross. As a result, it carries a relatively high volume of traffic with a mixture of passenger vehicles, public service vehicles and commercial vehicles.
- 1.4 Concerns have been raised from a local elected member and residents regarding parked vehicles causing an obstruction and blocking sightlines at the junction with St Ronan's Drive. Due to these concerns, the local community have requested the introduction of additional waiting restrictions to alleviate indiscriminate parking.
- 1.5 In order to alleviate the problems being experienced at these locations, it is proposed to vary the Kinross Traffic Management Order to start the process to introduce additional No Waiting at Any Time waiting restrictions on Avenue Road, Talla Park and High Street.

- 1.6 Consultation was carried out with the local elected members, community council and Police Scotland. The local elected members and Police Scotland were all in agreement with the proposal, however, the community council objected to the proposal. Local consultation was undertaken to gauge opinion and the results are shown below:

#### **Avenue Road/Talla Park**

| <b><u>Name on file</u></b> | <b><u>Comment or objection</u></b>                                                                                                        | <b><u>Response</u></b>                                                                                                                                                |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | Three properties responded supporting the proposal                                                                                        | The additional waiting restrictions are to ensure the flow of traffic on Talla Park and to ensure the crossing point/dropped kerbs are kept free from parked vehicles |
|                            | Four properties responded objecting to the proposal claiming the additional restrictions were not required & there was no safety concerns | The additional waiting restrictions are to ensure the flow of traffic on Talla Park and to ensure the crossing point/dropped kerbs are kept free from parked vehicles |
| Elected Members            | All supportive                                                                                                                            |                                                                                                                                                                       |

#### **High Street**

| <b><u>Name on file</u></b> | <b><u>Comment or objection</u></b>                | <b><u>Response</u></b>                                                                                                           |
|----------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
|                            | Five properties responded supporting the proposal | The additional waiting restriction will improve sightlines for vehicles exiting St Ronans Drive at the junction with High Street |
| Elected Members            | All supportive                                    |                                                                                                                                  |

## **2. PROPOSALS**

- 2.1 As a result of the above request from a local elected member and residents, it is now proposed to start the process to introduce additional No Waiting at Any Time restrictions on Avenue Road, Talla Park and High Street, Kinross.
- 2.2 The proposals are shown on the plans at Appendices 1 & 2.

## **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 This report details the location where it is proposed to introduce additional No Waiting at Any Time restrictions.

- 3.2 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee approve the promotion of a variation to the relevant TRO to introduce No Waiting at Any Time waiting restrictions on Avenue Road, Talla Park and High Street, as described.

#### Author

| Name            | Designation                 | Contact Details                                                                                  |
|-----------------|-----------------------------|--------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic and Network Manager | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

#### Approved

| Name           | Designation                             | Date             |
|----------------|-----------------------------------------|------------------|
| Keith McNamara | Depute Director (Housing & Environment) | 18 December 2018 |

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All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

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

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

- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

#### Corporate Plan

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



report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Capital

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

### Revenue

- 2.2 There will be costs for advertising the necessary Order in the press and providing the road markings. The indicative cost of advertising an Order is £150 and will be met from the Traffic & Road Network Revenue Account in 2019/20.
- 2.3 The estimated cost of £500 for the road markings will be funded from the Traffic & Road Network Revenue Account in 2019/20.

### Workforce

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

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

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

## **3. Assessments**

### Equality Impact Assessment

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

### Strategic Environmental Assessment

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

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

### Sustainability

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

## **5. Communication**

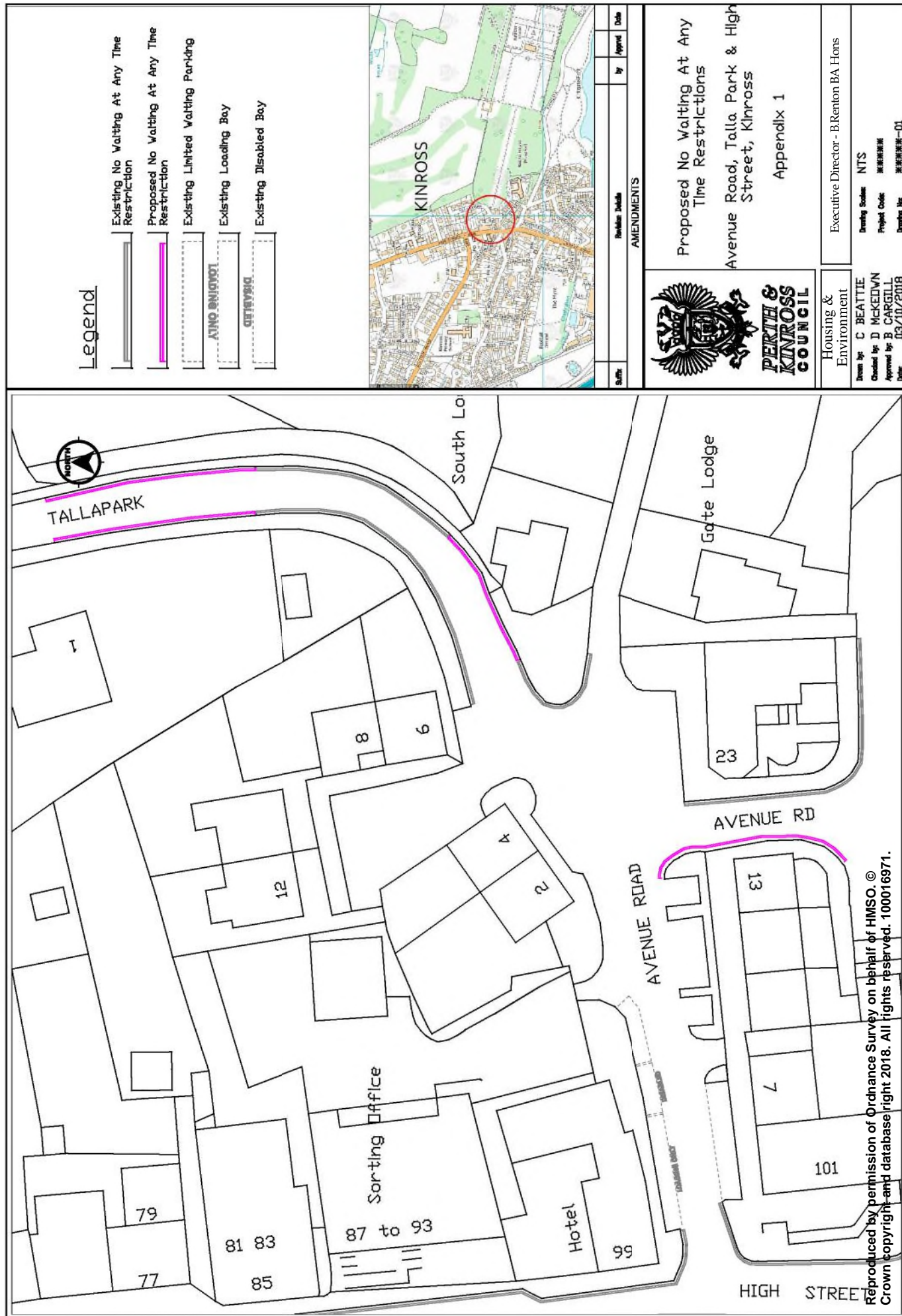
- 5.1 Approval will allow a start to be made to the formal procedure to generate a Traffic Regulation Order. This procedure will involve statutory consultation, Preparation of a draft TRO and advertising in the press. This will provide an Opportunity for additional comments to be made or objections to be raised. 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;

## **3. APPENDICES**

- 3.1 The proposal is shown in Appendices 1 & 2.









## PERTH AND KINROSS COUNCIL

### Environment and Infrastructure Committee

23 January 2019

### **PROPOSED WAITING RESTRICTIONS GOWANS TERRACE, PERTH AND MONCUR ROAD, INCHTURE – SCHOOL KEEP CLEAR ORDER (WARDS 12 & 1)**

**Report by Depute Director (Housing & Environment) (Report No. 19/22)**

This report outlines the problems experienced at the entrance to Perth Grammar School and Inchture Primary School. The report recommends a variation to the School Keep Clear Order to vary the waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchture (Wards 12 & 1).

#### **1. BACKGROUND**

##### **Gowans Terrace, Perth**

- 1.1 Concerns have been raised by a local elected member that vehicles are parking along a length of Gowans Terrace at the main pedestrian entrance/exit to Perth Grammar School.

##### **Moncur Road, Inchture**

- 1.2 Concerns have been raised by a local elected member that the existing School Keep Clear markings at Moncur Road are not being enforced. It was then established that Moncur Road was not added to the School Keep Clear Order when the markings were put in place.
- 1.3 In order to address the issues at both these locations, it is proposed to vary the School Keep Clear Order to introduce additional School Keep Clear waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchture.
- 1.4 Consultation was carried out with the local elected members, Community Council and Police Scotland, who were all in agreement with the proposal.

#### **2. PROPOSALS**

- 2.1 As a result of the above request from a local elected member in each ward, it is now proposed to introduce School Keep Clear waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchture.
- 2.2 The proposals are shown on the plans at Appendices 1 & 2.
- 2.3 It is intended to carry out a review, in due course, of each school within the Perth and Kinross Council area to ensure that all the existing School Keep Clear markings are included in the School Keep Clear Order.



### 3. CONCLUSION AND RECOMMENDATION

- 3.1 This report details the locations where it is proposed to introduce School Keep Clear waiting restrictions.
- 3.2 Approval will allow a start to be made to the formal procedure to vary the Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a Draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. If objections are raised, these will be reported back to Committee, with appropriate recommendations.
- 3.3 It is recommended that the Committee approve the promotion of a variation to the relevant TRO to introduce School Keep Clear waiting restrictions on Gowans Terrace, Perth and Moncur Road, Inchtute, as described.

#### Author

| Name            | Designation                 | Contact Details                                                                                  |
|-----------------|-----------------------------|--------------------------------------------------------------------------------------------------|
| Charles Haggart | Traffic and Network Manager | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

#### Approved

| Name           | Designation                             | Date             |
|----------------|-----------------------------------------|------------------|
| Keith McNamara | Depute Director (Housing & Environment) | 30 November 2018 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

- 1.1 The Perth and Kinross Community Planning Partnership (CPP) brings together organisations to plan and deliver services for the people of Perth and Kinross. Together the CPP has developed the Perth and Kinross Community Plan which outlines the key things we think are important for Perth and Kinross.
- i) Giving every child the best start in life
  - ii) Developing educated, responsible and informed citizens
  - iii) Promoting a prosperous, inclusive and sustainable economy
  - iv) Supporting people to lead independent, healthy and active lives
  - v) Creating a safe and sustainable place for future generations
- 1.2 It is considered that the actions contained within this report contribute to all of the above objectives.

## Corporate Plan

- 1.3 The Council's Corporate Plan outlines the same five objectives as those detailed above in the Community Plan. These objectives provide a clear strategic direction, inform decisions at a corporate and service level and shape resource allocation. It is considered that the actions contained in the report contribute to the objectives as outlined in paragraph 1.2 above. These objectives are met by implementing schemes which promote road safety.

## **2. Resource Implications**

### Capital

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

### Revenue

- 2.2 There will be costs for advertising the necessary Order in the press and providing the road markings. The indicative cost of advertising an Order is £150 and will be met from the Traffic & Road Network Revenue Account in 2019/20.
- 2.3 The estimated cost of £500 for the road markings will be funded from the Traffic & Road Network Revenue Account in 2019/20.

### Workforce

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

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

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

## **3. Assessments**

### Equality Impact Assessment

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

### Strategic Environmental Assessment

- 3.3 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS). The proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

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

## **5. Communication**

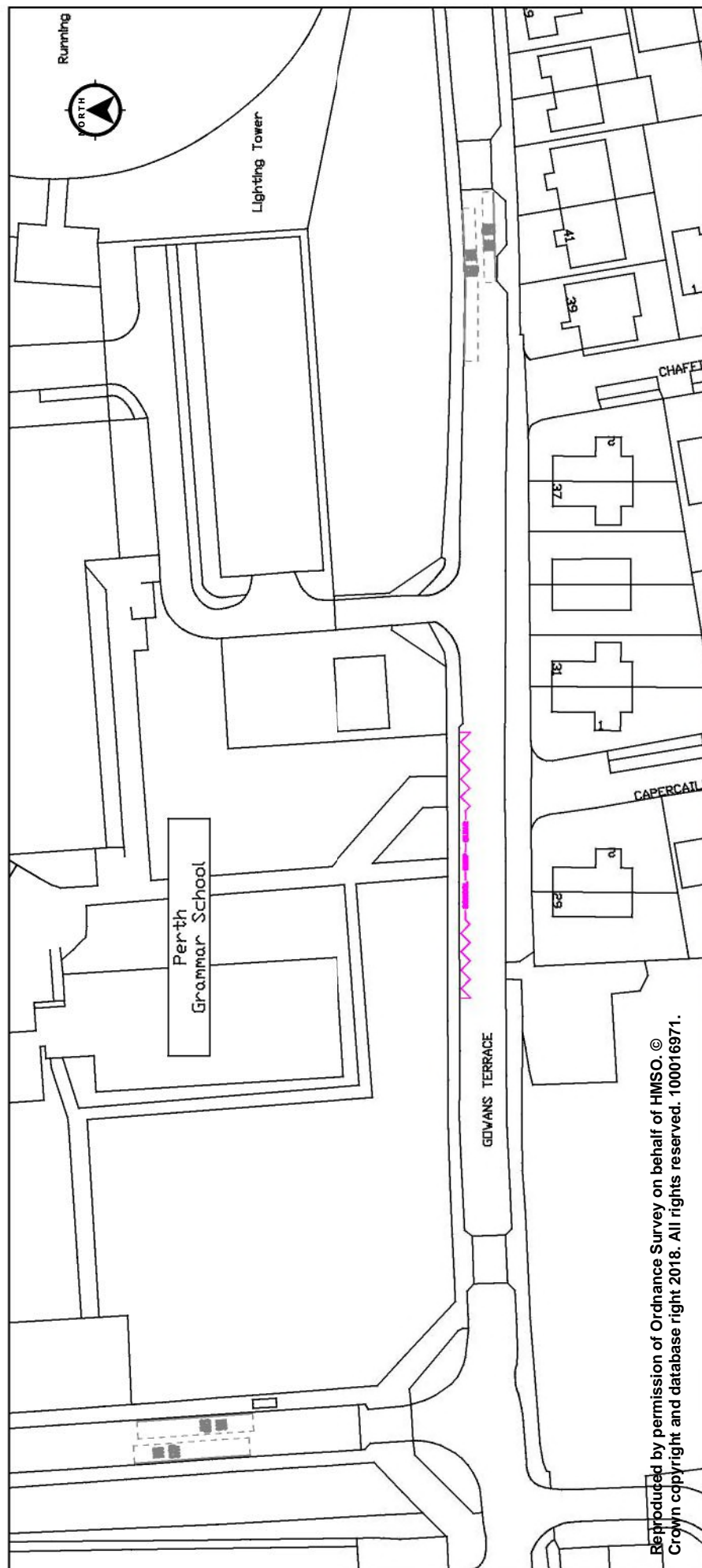
- 5.1 Approval will allow a start to be made to the formal procedure to generate a Traffic Regulation Order. This procedure will involve statutory consultation, preparation of a draft TRO and advertising in the press. This will provide an opportunity for additional comments to be made or objections to be raised. 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;

## **3. APPENDICES**

- 3.1 The proposal is shown in Appendix 1 & 2.



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**Legend**

Proposed School Keep Clear Restriction

Existing Bus Stop Clearway

**PERTH & KINROSS COUNCIL**

**Housing & Environment**

Executive Director - B.Renton BA Hons

**Proposed School Keep Clear Restriction**

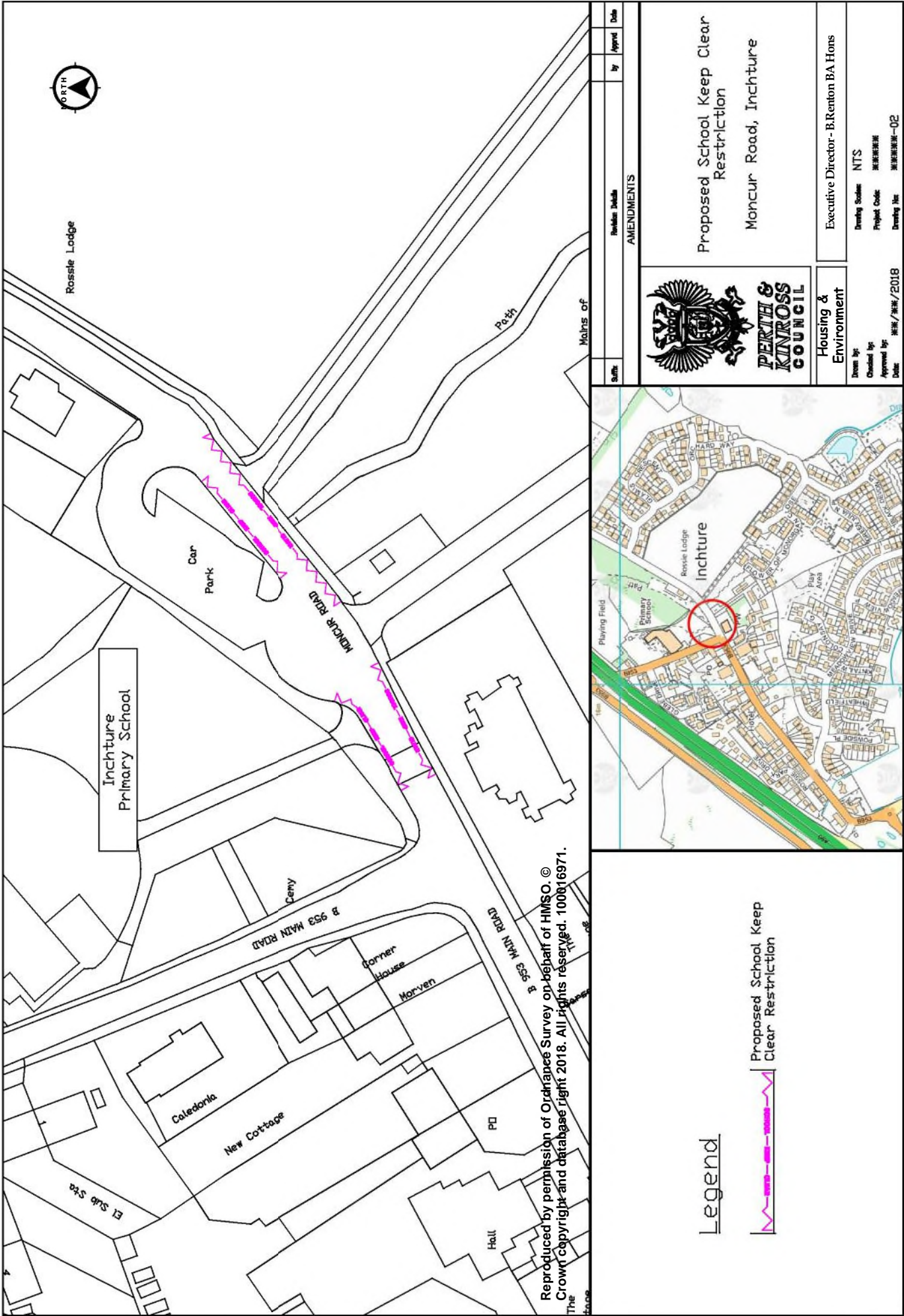
Gowans Terrace, Perth

| Revision Details | By | Date |
|------------------|----|------|
| AMENDMENTS       |    |      |

|                                                              |                                                                           |
|--------------------------------------------------------------|---------------------------------------------------------------------------|
| Drawn by:<br>Checked by:<br>Approved by:<br>Date: 08/04/2018 | Drawing Scale: NTS<br>Project Code: 100016971<br>Drawing No: 100016971-01 |
|--------------------------------------------------------------|---------------------------------------------------------------------------|











**PERTH AND KINROSS COUNCIL**

**Environment & Infrastructure Committee**

**23 January 2019**

**Amendments to the List of Public Roads**

**Report by Depute Director (Housing & Environment) (Report No. 19/23)**

This report recommends that the List of Public Roads be updated to take account of the amendments detailed in this report.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Roads (Scotland) Act 1984 requires the Council to keep a List of Public Roads, which it has a duty to manage and maintain. The Act makes provision for new or upgraded sections of road to be added to the List from time to time.
- 1.2 The majority of the roads listed on the attached schedule were constructed under Construction Consent. They have been completed in accordance with the Council's road standards and a satisfactory twelve-month maintenance period has expired. The developer has requested that they be added to the List of Public Roads. Consequently, in accordance with Section 16 of the Roads (Scotland) Act 1984, the Council, as Roads Authority, is obliged to add such roads to its List of Public Roads.
- 1.3 The exception to the above is the access road off Guard Vennel to the rear of Number 91 to 109 High Street, Perth. This was improved by Perth and Kinross Council, as part of the Mill Street improvement works.

**2. PROPOSALS**

- 2.1 It is proposed to amend the List of Public Roads as detailed in the attached schedule.

**3. CONCLUSION AND RECOMMENDATION**

- 3.1 The roads detailed in the attached schedule have been completed to the required standards and should now be added to the List of Public Roads.
- 3.2 It is recommended that the Committee approves the amendments to the List of Public Roads as detailed in Appendix 1.

**Author**

| <b>Name</b>   | <b>Designation</b> | <b>Contact Details</b>                                                                           |
|---------------|--------------------|--------------------------------------------------------------------------------------------------|
| Sarah Perfett | Technician         | 01738 475000<br><a href="mailto:HECommitteeReports@pkc.gov.uk">HECommitteeReports@pkc.gov.uk</a> |

**Approved**

| <b>Name</b>    | <b>Designation</b>                      | <b>Date</b>      |
|----------------|-----------------------------------------|------------------|
| Keith McNamara | Depute Director (Housing & Environment) | 30 November 2018 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 1. Strategic Implications

#### Corporate Plan

- 1.1 The Council's Corporate Plan 2018 – 2022 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

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

- 1.2 This report relates to (iv) and (v) above.

### 2. Resource Implications

#### Financial

- 2.1 There are no capital resource implications arising directly from the recommendations in this report.
- 2.2 The revenue commitments arising from the routine maintenance of the new roads are detailed in the schedule. The amount of £6,783 for routine and cyclic maintenance, and additional expenditure on street cleaning, will

require to be prioritised within the existing Housing & Environment Service Revenue Budget in future years.

### **3. Assessments**

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

3.2 This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

(i) Assessed as **not relevant** for the purposes of EqIA

#### Strategic Environmental Assessment

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

3.4 This section should reflect that the proposals have been considered under the Act and no further action is required as it does not qualify as a Plan, Programme or Strategy (PPS) as defined by the Act and is therefore exempt.

### **4. Consultation**

#### Internal

4.1 The Head of Legal and Governance and the Head of Finance have been consulted in the preparation of this report.

#### External

4.2 A notice was placed in the local newspaper. No objections were received.

## **2. BACKGROUND PAPERS**

2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

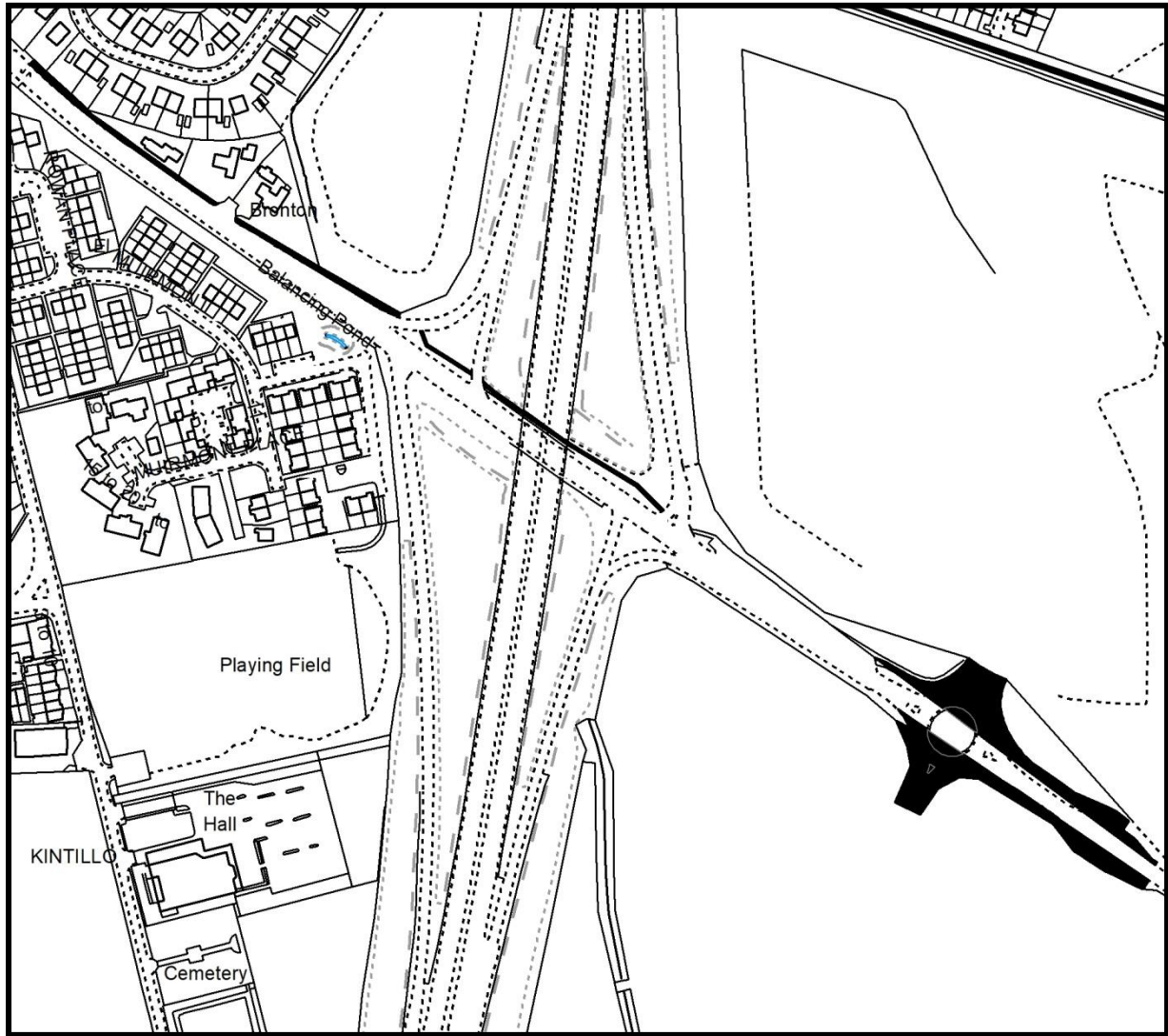
## **3. APPENDICES**

3.1 Appendix 1 - Schedule for Additions to the List of Public Roads.

## Schedule for Additions to the List of Public Roads

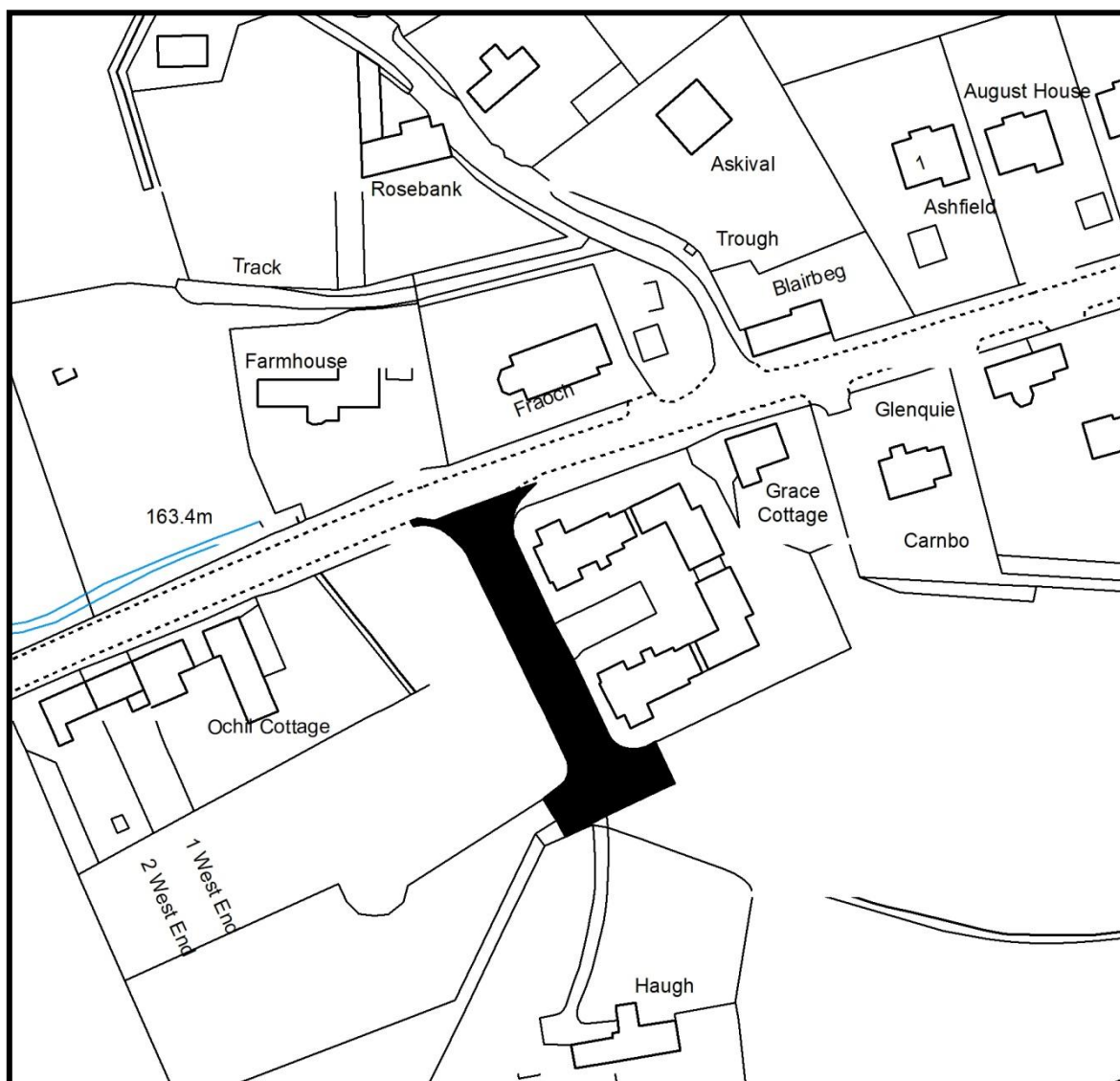
| Town           | Street Name                                                          | Construction Consent No.   | Developer                 | Length      | Ward | Street Lighting Columns | Remarks                                    | Financial Implications |                 |
|----------------|----------------------------------------------------------------------|----------------------------|---------------------------|-------------|------|-------------------------|--------------------------------------------|------------------------|-----------------|
|                |                                                                      |                            |                           |             |      |                         |                                            | Roads                  | Street Lighting |
| Bridge of Earn | A912                                                                 | CC/PK/07/04<br>CC/PK/10/23 | G S Brown                 | N/A         | 9    | 9                       | New roundabout, bus bays and footways      | £1470                  | £585            |
| Bridge of Earn | Access road off the A912 at the Oudenarde roundabout North           | CC/PK/07/04<br>CC/PK/10/23 | G S Brown                 | 18m         | 9    | 1                       |                                            | £404                   | £65             |
| Bridge of Earn | Access road off the A912 at the Oudenarde roundabout South           | CC/PK/07/04<br>CC/PK/10/23 | G S Brown                 | 28m         | 9    | 1                       |                                            | £629                   | £65             |
| Bridge of Earn | Edinburgh Road                                                       | CC/PK/10/23<br>CC/PK/09/11 | G S Brown                 | N/A         | 9    | 0                       | Footway adjoining the existing carriageway | £916                   | £0              |
| Carnbo         | Pitcairnie Lane                                                      | CC/PK/06/31                | Wilson Homes              | 90m         | 8    | 0                       |                                            | £2,020                 | £0              |
| Perth          | Access road off Guard Vennel to rear of Number 91 to 109 High Street | N/A                        | Perth and Kinross Council | 28m         | 12   | 0                       |                                            | £629                   | £0              |
| <b>TOTALS</b>  |                                                                      |                            |                           | <b>164m</b> |      | <b>11</b>               |                                            | <b>£6,068</b>          | <b>£715</b>     |

A912,  
Access road off the A912 at the Oudenarde roundabout North,  
Access road off the A912 at the Oudenarde roundabout South,  
Edinburgh Road,  
Bridge of Earn



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Pitcairnie Lane,  
Carnbo



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The map shows the following details:

- Streets:** High Street (bottom), Skinnergate (right), Guard Vennet (left), Town's Lade (top right).
- Landmarks:** Hotel (top left), Car Park (top center), EI Sub Sta (center left), Post Office (center bottom), Perth iCentre 45 to 57 (bottom right), Job Centre (bottom right).
- Address Ranges:** 121 to 127, 111 to 119, 107, 109, 105, 91 to 97, 89, 87, 75 to 85, 86 to 108, 80 to 84, 76, 74, 68, 60, 62, 63, 61, 73, 3 to 5, 38, 40, 42, 29 to 35, 2.
- Other Labels:** TCB, TCBs, Skinnergate House, Skinnergate.
- Highlighted Area:** A large black rectangular area is located between the Car Park and the Post Office, bounded by Guard Vennet to the left and High Street to the bottom.

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