

PERTH AND KINROSS COUNCIL  
SPECIAL MEETING OF COUNCIL  
29 AUGUST 2018

## **SPECIAL MEETING OF COUNCIL**

Minute of Special Meeting of Perth and Kinross Council held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 29 August 2018 at 2.00pm.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, B Band, M Barnacle, P Barrett, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, J Duff, A Forbes, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: J Valentine, Depute Chief Executive and Chief Operating Officer; B Renton, Executive Director (Housing and Environment); K McNamara, Depute Director (Housing and Environment); G Taylor, L Simpson, S Hendry, G Fogg, C Flynn, R Fry and S Richards (all Corporate and Democratic Services); P Marshall, B Murray, D Littlejohn and K Briggs (all Housing and Environment).

Apologies for Absence (intimated to the Head of Democratic Services during the meeting): Councillors E Drysdale and F Sarwar.

Provost D Melloy, Presiding.

### **473. TRIBUTE TO THE LATE PETER MCAVOY**

Provost Melloy paid tribute to the Council's former Head of Education for Secondary and Inclusion, Peter McAvoy, who had died earlier in the week following a short illness. Peter had retired from the Council in 2016 and had worked in a number of different teaching and education roles.

Provost Melloy led Councillors in a minute's silence.

### **474. WELCOME AND APOLOGIES**

Provost Melloy welcomed all those present to the meeting.

### **475. DECLARATIONS OF INTEREST**

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

### **476. PROPOSED LOCAL DEVELOPMENT PLAN REPRESENTATION AND PROPOSED RESPONSES**

There was submitted a report by the Depute Chief Executive and Chief Operating Officer (18/263) outlining the representations received in response to the publication of the Proposed Local Development Plan and the proposed responses to the unresolved representations.

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Prior to discussion, Provost Melloy highlighted a number of points:

- (i) As the Proposed Local Development Plan required to be consistent with the Strategic Development Plan (TAYplan), any amendments would require to remain consistent with the TAYplan and take account of a range of documents produced by the Scottish Government and others. Any amendments would also require to relate to the representations which were submitted to the Council by 2 February 2018.
- (ii) Any proposed amendments would be taken in the following order:
  - Amendments on Recommendations (i) to (v);
  - Amendments on Recommendation (vi) – Schedule 4 Documents;
  - Amendments on Recommendations (vii) – (xii).
- (iii) It was agreed that in terms of Standing Order 57, and in the event that any proposed amendments came forward all or parts of which were unrelated, the requirement of Standing Order 57 would be suspended. This would allow unrelated amendments to the representations to be voted on their individual merits.

Motion (Councillors M Lyle and P Barrett):

Council:

- i) Agrees the Statement of Conformity;
- ii) Notes the representations received to the Proposed Local Development Plan;
- iii) Notes the findings of the Strategic Environmental Assessment and its subsequent Addendum;
- iv) Notes the findings of the Habitats Regulations Appraisal and Appropriate Assessment;
- v) Approves the Housing Background Paper and Infrastructure Reports to be submitted as evidence to the Scottish Ministers in support of the Plan;
- vi) Approve the responses to the representations received as set out in the series of Schedule 4 documents;
- vii) Delegates authority to the Deputy Chief Executive (Chief Operating Officer) the making of consequential changes to the series of Schedule 4s as a result of any decisions of the Council;
- viii) Delegates authority to the Deputy Chief Executive (Chief Operating Officer) the making of minor correction or formatting changes to the series of Schedule 4s together with the provision of additional evidence to support the Council's response, which may be available prior to submission to the Scottish Ministers;
- ix) Approves the submission of the Plan and associated documents together with the unresolved issues to the Scottish Ministers for examination;
- x) Instructs the Deputy Chief Executive (Chief Operating Officer) to update and publish the Development Plans Scheme;
- xi) Approves the updates to the Proposed Action Programme;
- xii) Delegates authority to the Deputy Chief Executive (Chief Operating Officer) to report back on the findings of the Examination in due course.

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**Amendments on Schedule 4 Documents**

**Amendment 1 (Councillors C Stewart and M Barnacle)**

In accordance with the Motion with the following amendment:

**Amendment to Schedule 4 Number 02 response to Policy 1D**

The amendment refers to the objection by Ken Miles (0592/01/007): Mr Miles objects to the inclusion of the proposed Site Capacity Range. A fixed maximum number of houses on specific designated sites should be agreed and adhered to. Major applications have previously regularly breached these agreed numbers by a gross margin, the agreed numbers being wrongly treated as "indicative".

**Proposed Amendment Policy 1D paragraph 1**

The Council acknowledges the concerns of Ken Miles (0592/01/007). Mr Miles objected to the inclusion of the proposed Site Capacity Range and requested that a fixed maximum number of houses on specific designated sites should be agreed and adhered to.

It is important to the communities, where development takes place, that they have a clear understanding of the maximum level of development proposed. The Council's experience from the development management process suggests that this concern is widespread amongst the public and various community bodies.

The Council's first LDP identified an indicative density with the intention that this figure was flexible. Many members of the public however, interpreted this as fixed figure which could not be exceeded and this has caused a good deal of public concern and criticism of the Council for permitting development above the indicated number of houses.

As a result, the Council opted to indicate density ranges in LDP2 believing that it gave a clearer indication to the public that a range of house numbers may be appropriate and that this could only be decided through the detail contained in a planning application. Whilst previously, the majority of planning applications were consented for numbers higher than the indicative figure in the LDP, the Council believes the majority of applications are now likely to be within the identified range.

The Council remains convinced that, at the LDP site identification stage, it would be inappropriate to specify a fixed number of houses. The use of a

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capacity range provides an appropriate degree of flexibility for developers whilst giving the public a clearer idea of the likely number of houses that might be acceptable. Greater certainty could be achieved by making the upper limit an absolute maximum, thus providing the certainty sought by the objector, and it is acknowledged that this would likely gain widespread public support.

No modification proposed to the Plan. However the Council requests that the Reporter consider the matter and suggests that the policy be amended to make it clear that the upper limits of the site capacity ranges in the Plan are a maximum number of houses that must not be exceeded. The following change to Policy 1D is therefore suggested:

**“Sites allocated in the Plan for housing development have a capacity range identified. Applications which exceed the identified capacity range will not be permitted. The Placemaking Supplementary Guidance will set out how capacity ranges will be calculated on windfall sites.**

***“Note: Placemaking Supplementary Guidance will set out how the Council aims to implement the above policy. Technical notes will provide further detailed information as to how the individual criteria can be achieved. Further information will also be provided on how capacity ranges have been calculated on allocated sites. It will also set out how capacity ranges will be calculated on windfall sites, and site with consent, which do not appear in the LDP.”***

**Extract Schedule 4 Number 02 response Policy 1D (As in Report 18/263)**

***The term “exceptional circumstances” in Policy 1D is referenced in the Housing Background Paper and states: “Any variation to this (up or down) will be exceptional and will need to be justified under LDP2 Policy 1: Placemaking. Application of the Placemaking Policy will ensure that the number of units is determined by achieving an appropriate design and layout for the site, in line with the Council’s commitment to improving the standard of design across the Council area” (page 9). It is important to acknowledge that there are times when the number of units could rise or fall dependent on the design of a site and the house types proposed. The layout of a site is also determined by the approach that is taken to the topography and any physical or environmental constraints that have been identified through the application process. The capacity range is a necessary prerequisite of the LDP process because the Council have an obligation to identify a number of units for each site. These calculations are a requirement for the Housing Land Audit, as well as supporting the Council’s housing land strategy and the identification of necessary infrastructure upgrades such as new roads and schools.***

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**Implication for Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA)**

There are no implications for either the SEA or HRA

**Requirement for Modification prior to Submission to Ministers**

The proposed changes to the schedule 4 responses do not constitute a notifiable modification.

**Consequential Changes to Housing Background paper**

**Capacity ranges – Replacement Text**

When planning applications come forward for allocated sites, the actual number of houses is seldom exactly that identified in the Plan. This is because at the plan preparation stage, the detailed site analysis and design work is not complete. In addition, market trends change. Although the Adopted Plan indicates the site capacities are indicative, the variation at planning application stage clearly confuses the local communities.

A new approach is being taken to the identification of the number of housing units for sites allocated in Proposed LDP2. Instead of a single figure, it is proposed that each site allocated for housing in LDP2 will have a 'capacity range' identified. This will set the minimum and maximum number of houses which will be permitted to be built on each site. The mid-point of the capacity ranges will be used for the purposes of calculating the housing land supply. The assumptions made in calculating the capacity range for each site in LDP2 are set out in Appendix 1.

Consequential Changes to other S4s required to reflect that the upper limit of the capacity range is a maximum.

**The Glebe School site OP22 – Replacement Text**

This site is already in the adopted LDP 2014 and therefore the principle of the site is already agreed. Furthermore, this is a brownfield site that has already had development on it. Many of the concerns raised have been shown on the indicative drawing as constraints or opportunities. The site is currently being designed and consultation events are underway to engage with the local community as to how they wish the site to be approached. Two access points have been identified into the site and this is anticipated to reduce the impact on Abbey Road. Pedestrian access is highlighted as a key part of the site

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design as well as the retention of the football pitch and the mature trees in the Proposed Plan. The ancient woodland adjacent to the site is out with the site boundary although further work will need to be carried out in terms of identifying the impacts of an access point through the woodland. This will be part of the design process currently underway. The design of the site will determine the capacity. The capacity range is to allow for flexibility in terms of the design approach. It should be noted that the maximum density indicated will not be permitted to be exceeded. The indicative drawing provides a framework within which the design should fit. Whilst tenure is not a specific issue in terms of LDP allocations, there is also additional work being undertaken within the Housing Service to identify the local needs in terms of the type of affordable housing that is required within Scone.

**Abernethy – Replacement Text**

In terms of the housing capacity for the site, the Council is aware that there is a technical error with the stated figure for the site size of MU8. The Proposed Plan has identified that the site is 1.5ha however following further analysis the correct area of the site is 2.17ha. Therefore taking this corrected site size in to account and the calculation methodology as contained in the Housing Background Paper (cd doc), the housing capacity range for the site would be between 17-27 houses based on a medium density. However, as the planning application (ref: 17/02190/FLL) for the site is currently under consideration it is considered appropriate to take in to account the number of houses associated with the application if this is ultimately approved. As such, the Council would be comfortable amending the housing capacity range for the site in line with the application, if approved. The Council will be in a position to keep the Reporter informed of the progress of the site and any associated application(s).

Work is ongoing to identify other consequential changes but this may take several days. Accordingly it is recommended that, it be delegated to Jim Valentine, Deputy Chief Executive (Chief Operating Officer) to make consequential changes arising out of this amendment.

**Amendment 2 (Councillors C Purves and R Watters)**

In accordance with the Motion with the following amendment:

Amendment to Schedule 4 Number 12A – Kinross-shire Area – Kinross & Milnathort

The amendment refers to the objection by Councillor Michael Barnacle (0584/01/004). Councillor Barnacle laments the lack of a reference to the need for mitigation measures for Route Action Plans for the A977, A911 and the B9097.

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Proposed Amendment

Amend the proposed Council response in Schedule 4 Number 12A as follows: The Route Action Plans for the A977 and the B9097 were developed in response to perceived extra traffic, however, there is no route action plan for the A911. Whilst partial funding is in place for the A977, there is no “identified” funding for the B9097, and therefore it is not appropriate to include any reference to it within the Development Plan. In relation to the A977, no specific interventions are identified within the Plan as they can all be carried out within the road boundary and any measures to address the impact of development will be additional and separate to the route action plans. Mitigation measures required as a relevant and proportional result of development will be assessed through Transport Assessments at site specific proposal stage.

No modification is proposed to the Plan, however, if the Reporter considered it appropriate the Council would not object to the inclusion of a statement within the following settlement summaries as follows:

Blairingone, Powmill, Rumbling Bridge and Balado - “Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977”;

Crook of Devon and Drum - “Any proposals for development within the village requiring traffic mitigation should complement the mitigation identified in the Route Action Plan for the A977 and B9097.”

Scotlandwell - “It is recognised that the constrained nature of the village centre creates conflicts between traffic and pedestrian movement. However, potential improvements have to date not been identified. In addition the footpath from Scotlandwell to the village hall is recognised as being sub-standard and various options are being assessed.”

Kinnesswood - “It is recognised that the constrained nature of the village centre creates conflicts between traffic and pedestrian movement. However, potential improvements have to date not been identified.”

In addition if the Reporter considered it appropriate add the following paragraph after the third paragraph on page 89 of the Plan.

The local roads of the area are a dynamic network affected by changes in travel patterns and major developments. From time to time new pressures arise such as the opening of the Clackmannanshire Bridge at Kincardine and the major development proposed at Westfield in Fife. Although both these development are outwith the Council area, like developments within Perth & Kinross, they can necessitate the creation of route action plans. Most route action plans can be developed within the road boundary and do not feature in the LDP. Where proposals with land use implications outwith the road boundary are identified they may need to feature in a future LDP. Where development proposals arise adjacent to, or impacting upon, a road which is the subject of a route action plan, cognisance should be taken of these plans.

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Extract Schedule 4 Number 12A (As in Report 18/263)

Route Action Plans

The route action plans for the A977, A911 and B9097 have been developed to address the impacts of existing traffic on the roads. For example the A977 route action plan was specifically put in place to address a perceived potential increase in traffic as a result of the Clackmannanshire Bridge opening. Funds have been provided by the Council for the mitigation and consultation with the affected communities carried out to identify appropriate measures. No further mitigation is identified in the local development plan as funding is already identified, and any measures to address the impact of development will be additional and separate to the route action plans. Mitigation measures required as a relevant and proportional result of development will be assessed through Transport Assessments at site specific proposal stage.

No modification is proposed.

Implication for Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA)

There are no implications for either the SEA or HRA

Requirement for Modification prior to Submission to Ministers

The proposed change to the Schedule 4 response does not constitute a notifiable modification.

THERE FOLLOWED A 20 MINUTE RECESS AND THE MEETING RECONVENED  
AT 2.51PM

Note: The mover of the Motion agreed to incorporate Amendments 1 and 2 into the Motion. The seconder of the Motion agreed to incorporate Amendment 2 into the Motion. Amendment 2 was therefore incorporated into the Motion.

Amendment 1, now incorporating the Revised Motion, became the substantive Amendment and was put against the Revised Motion.

33 members voted for the Amendment as follows:

Councillors C Ahern, H Anderson, A Bailey, K Baird, M Barnacle, B Brawn, R Brock, A Coates, H Coates, S Donaldson, D Doogan, J Duff, A Forbes, D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, Provost Melloy, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, C Shiers, C Stewart, R Watters and M Williamson.

5 members voted for the Revised Motion as follows:

Councillors B Band, P Barrett, T Gray, L Simpson and W Wilson.

**Resolved:**

In accordance with the Amendment.

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