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Dear Local Development Plans team,

Thank you for the opportunity to comment on the Perth and Kinross Proposed Local Development plan, which you made us aware of in your correspondence of the 1 December 2017. Please find below the formal representations from the Scottish Government (SG). This includes the representations from Transport Scotland.

## **Housing**

**Part of plan:** p39, Policy 24, and p17 table 1

**Representation:** At present final Perth and Kinross Council total Effective Housing Land Supply (HLS) figure set out in the plan (11,431), is different from the figure used in table 7 of the housing background paper (12,195). Table 1 of the plan indicates that there is only adequate supply for five of six Housing Market Areas (HMAs), however, table 7 of the Housing Background Paper identifies a greater supply of land which is adequate for five of the six HMAs. The difference between these two figures has not been explained clearly in the plan. If it is down to the impact of windfall and small sites on the HLS, this should be explained more clearly in the plan itself. It is proposed that this is addressed by incorporating the final two columns of table 7 in the background paper into table 1 of the plan.

**Reason:** To comply with SPP policy 199 which states that LDPs in city regions should allocate a range of sites which are effective, or are expected to become effective in the plan period to meet the housing land requirements of the strategic development plan up to year 10 from the expected period of adoption. Also, to comply fully with SPP paragraph 117, which requires that an assessment of the expected contribution to the housing land requirement from windfall sites must be realistic and based on clear evidence.

**Part of plan:** p37, Policy 20

**Representation:** The number of new affordable housing units should be set out within the plan. **Reason:** Policies 5, 20 & 25 set out the council's policy on the provision of affordable housing. Whilst this sets out the proportion of new build that will be allocated to affordable housing the actual amount of affordable housing in terms of units is not set out and does not fully comply with SPP paragraph 128.

**Part of plan:** Table 7 of the supporting Housing Background Paper

**Representation:** The content of the table should be checked as there are some very small arithmetical issues e.g. 762 minus 765 is -3.

**Reason:** For accuracy

## Climate Change

**Part of Plan:** Section 3.2: A Low Carbon Place

**Representation:** The proposed plan should clearly include a policy which fulfils the provisions of Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended). There are examples of Local Development Plan policies which fulfil the requirement, such as policy 29 of the 2014 Dundee Local Development Plan: 'Low and Zero Carbon Technology in New Development'. **Reason:** Section 3F of the Town and Country Planning (Scotland) Act 1997. The plan is not compliant with legislation.

**Part of plan:** Policy 55 – Air Quality Management Areas

**Representation:** The policy should be clear what the 'sensitive' receptors are. The policy is not clear whether the mitigations for air quality impacts are to be on site, through design changes, or offsite, through public transport or active travel provision for example.

**Reason:** The lack of clarity weakens the ability of the policy to gain positive air quality outcomes. It is assumed that the detailed policy content is to be included in supplementary guidance. However, it is considered that more detail is required in the policy itself in order to accord with paragraph 138 of Circular 6/2013, which requires that supplementary guidance is limited to the provision of further information or detail in respect of policies or proposals set out in the LDP.

## Developer Obligations

**Part of plan:** p23, Policy 5

**Representation:** There is a lack of detail in the plan about what contributions will be sought and the locations, types of development where they will be sought. To address this, further detail could be added to policy 5 to list the types of contribution that will be sought, and the locations, types of development where they will be sought.

**Reason:** To comply with paragraph 139 of Circular 6/2013: Development Planning which states that matters to be dealt with in the plan itself rather than supplementary guidance include; items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought.

## Green Infrastructure

**Part of plan:** p32, Policy 14A paragraph 1

**Representation:** Add the text in bold: Areas of open space, parks, **outdoor sports facilities**, including sport pitches, **and** allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply:

**Reason:** Scottish Planning Policy contains specific reference to safeguarding outdoor sports facilities (paragraph 226 of SPP), and sets out that these should be safeguarded from development subject to some exceptions which are then detailed in SPP. Whilst the thrust of Policy 14 seeks to protect open space, and refers to sports pitches it does not make specific reference to "outdoor sports facilities". The proposed amendment seeks to

cover the full range of uses encompassed by the term in SPP and the Regulations, and give them the development plan policy protection expected in national planning policy.

**Part of plan:** p69, policy 40 Green Infrastructure, p32, policy 14B Open space retention and provision

**Representation:** Additional wording should be inserted into the plan to encourage opportunities for a range of community growing spaces, not just allotments. This could be within policy 14B or Policy 40 or both. **Reason:** Scottish Planning Policy, paragraph 227, says that plans should encourage opportunities for a range of community growing spaces. This term covers community gardens, community orchards, community market gardens and community farms.

## **Historic Environment**

**Part of plan:** page 40, Policy 26B: Archaeology

**Representation:** Paragraph 3 should be removed from the policy (“There are a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, historical woodlands and routes which do not have statutory protection. These resources are, however, an important part of Scotland’s heritage and the Council will seek to protect and preserve significant resources as far as possible, in situ wherever feasible.”) and include in accompanying text elsewhere in the plan.

**Reason:** The paragraph does not relate to Archaeology, so does not belong in a policy relating to archaeology. To leave it in makes the policy unclear and confusing.

**Part of plan:** page 41, Policy 27A: Listed Buildings

**Representation:** Amend first sentence of the third paragraph of Policy 27A to state “Enabling development may be acceptable where it can be shown to be the only means of preventing the loss of listed buildings and securing their long term future. Any development should be the minimum necessary to achieve these aims.”

**Reason:** To ensure that full consideration is given to all aspects of a proposed enabling development, as required by SPP paragraph 142.

**Part of plan:** Proposed Action Programme for LDP2

**Representation:** Within the Lead Partners and Participants section of the **programme** table there are many references to Historic Scotland (on page 15,16 and 26) - this should be amended to ‘Historic Environment Scotland’.

**Reason:** To reflect the name of the relevant body.

## **Minerals and Waste**

**Part of plan:** Policy 31A

**Representation:** Bullet e) - asks for proposals to consider borrow pits associated with development. The policy should provide information on what is to be considered, or refer back to Scottish Planning Policy or another source for further guidance on the matter.

**Reason:** Paragraph 243 of Scottish Planning Policy states ‘Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time limited; tied to a particular project and appropriate reclamation measures are in place.’

**Part of plan:** pages 56 – 58, Policy 34B

**Representation:** Amend the reference to Environmental Statement (ES) at start of middle paragraph on page 58 to refer to Environmental Impact Assessment (EIA) Report.

**Reason:** To accord with the 2017 EIA Regulations which change the terminology from Environmental Statements to Environmental Impact Assessment Reports.

**Part of plan:** Policy 46: Minerals and Other Extractive Activities - Safeguarding

**Representation:** The policy should be reframed to provide a stronger message about safeguarding of mineral deposits, rather than setting out exceptions where development that would sterilise economically important workable mineral deposits would be allowed.

**Reason:** The policy as currently worded runs contrary to the principles of SPP policy in paragraph 237 which outlines that local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. It does refer to exceptions to this principle.

### **Natural Heritage**

**Part of plan:** Policy 36A: International Nature Conservation Sites

**Representation:** The policy tests set out for decision making purposes are insufficient in that they contain only two of the three tests set out in paragraph 208 of Scottish Planning Policy. A further test should be added:

*(d) and suitable compensatory measures have been identified and agreed.*

**Reason:** To comply fully with paragraph 208 of Scottish Planning Policy: 'Natura 2000 Sites'.

**Part of plan:** Policy 37: Landscapes

**Representation:** Criterion (d) of Policy 37 is broader than the policy set out in SPP. SPP para 200 is clear that the safeguarding should be for the areas identified on the 2014 SNH map of wild land areas. The safeguard should not extend beyond the areas identified on the map. The approach to assessing impacts on areas of wild land as identified in the SNH 2014 map is set out in Scottish Planning Policy paragraph 215.

Suggested modification: they safeguard the ~~relative wildness of the~~ **character of areas of wild land** landscapes including, in particular, the are as identified on the 2014 SNH Wild Land Areas map.

**Reason:** The wording as it stands is not compliant with Scottish Planning Policy paragraphs 200 and 215 about wild land.

**Part of plan:** Policy 37: Landscapes

**Representation:** Policy 37 addresses tests that would be applied to development proposals that would affect a wild land area. These tests repeat the tests established in Scottish Planning Policy paragraph 212 for national designations. Wild land is not a statutory designation and not listed in paragraph 212 as being an area to which the tests should apply. The second paragraph on wild land consisting of criteria (a) and (b) should be deleted. Should it be desirable to retain tests to be used in the determination of planning applications for development in wild land areas identified on the 2014 SNH Map of wild land areas, the considerations identified in Scottish Planning Policy paragraph 215 should be used.

**Reason:** The wording as it stands is not compliant with Scottish Planning Policy paragraph 212 'National Designations'.

### **Town Centres and Retail**

**Part of plan:** Policy 12 – Commercial Centres

**Representation:** Replace the current text with the following:

“Commercial centres are shown on the proposals map, in some of the commercial centres certain uses will be restricted based on existing planning consents and legal agreements for planning obligations.

Proposals to improve commercial centres, including increased floor space provided will be acceptable where:

- a) a sequential assessment, demonstrates that no other suitable site in a sequentially preferable location is available or is likely to become available within the lifetime of the Plan;
- b) it can be demonstrated that there will be no significant impact (individual or cumulative) on any city or town centre;
- c) it can be demonstrated that the proposal helps meet quantitative or qualitative deficiencies in existing provision;
- d) it can be demonstrated that there will be no change to the role or function of the centre in the network of centres;
- e) it is of an appropriate scale;
- f) any detrimental impacts identified in the transport assessment are mitigated
- g) parking provision and landscaping is not compromised.

Proposals to modify planning obligations and other planning controls that control floor space and/or the range of goods that can be sold from retail units must be justified by a health check, a retail impact assessment and where appropriate a transport assessment.”

**Reason:** To accord with SPP’s ‘town centre first’ approach set out in paragraph 68, which highlights that the first choice of locations for retail should be town centres (including city centres and local centres); followed by edge of town centre; and only then should other commercial centres identified in the development plan be considered. The current wording states that proposals for retail units will be promoted in the commercial centres shown on the proposals map, which is contrary to the sequential approach.

**Part of plan:** Policy 13

**Representation:** Policy 13 should be amended to include the full range of uses that generate significant footfall (offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.) not just retail and commercial facilities

**Reason:** To accord with paragraph 68 of SPP which states that development plans should adopt a sequential town centre first approach when planning for uses which generate a significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This list of uses goes wider than the previous SPP which only referred to retail and leisure.

## Transport

**Part of plan:** Section 3.4 A Connected Place

**Representation:** An exemplar walking- and cycling friendly settlement as per paragraph 5.14 of NPF3 should be identified and developed.

**Reason:** The plan does not contain an exemplar walking and cycling friendly settlement as should be developed in accordance with NPF3. This was previously raised at the main issues stage but has not been addressed.

**Part of Plan:** Policy Map A (Section 3.1, Page 22) and Strategy Map 5 (Section 3.4, Page 91)

**Representation:** The maps do not clearly stipulate that only the Broxden and Scone Park and Ride sites are currently operational. Park and Ride sites to the Southeast and Northwest of Perth should have been noted as “aspirational / potential / future” at this stage in the map legends.

**Reason:** Maps could be considered misleading given no differentiation is made between existing and potential Park and Ride sites.

**Part of Plan:** p252, Perth Area Strategy (Section 4 Settlement Statements)

**Representation:** The first bullet under the heading **Infrastructure Requirements for Perth** should include additional text noting that *“Discussion with Transport Scotland is on-going, as part of an agreed contribution strategy, to establish which sites will be required to make additional contributions to the strategic road network including at Broxden and / or Inveralmond junctions.”*

**Reason:** Transport Scotland are currently involved in discussion with Perth and Kinross Council with regards to allocations at the Broxden junction. This should be captured within the plan in order to establish the agreed contribution strategy for developments impacts on Strategic Road Network junctions.

**Part of Plan:** Draft Action Programme, Pages 24 and 25

**Representation:** Transport Scotland should be included as a Partner for sites H228 and H342.

**Reason:** As acknowledged in the Proposed Plan, work is currently on-going with regards to connections to the A9 at Aberuthven and Auchterarder. As such we would request that any applications coming forward at sites E29, E25, H228 and H342 are discussed with Transport Scotland as early as possible.

**Part of Plan:** Draft Action Programme, Page 6

**Representation:** The A9 Junction Upgrade between Dunblane and Luncarty project description should read *“Potential grade separation of junctions at Auchterarder; Blackford; and Broxden and Inveralmond, Perth”*

**Reason:** Work which will determine A9 Junction Upgrades between Dunblane and Luncarty is still on-going. Project description may be misleading at this stage.

I hope this information is helpful. If you would like to discuss any aspect of this letter please get in touch.

Your sincerely,

**Lorna Aird  
Planner**