

E-mail 14/3/15

Dear Colleagues,

Meeting of Committee 18/3/15 Application 5(3) (iv) Report on Breach of Conditions at Crook Moss Gypsy/Traveller Site

The local members asked for this Enforcement Report to be brought to your attention because of our continuing concerns about the failure of the applicants to comply with conditions set, the extension of deadlines to meet same and lack of enforcement action.

Members will recall the opposition of local members and the community to the recommendation for approval at Committee on 1/8/12, particularly in relation to policies on drainage within the Lochleven Catchment, landscape assessment, residential amenity (noise) and proximity to the settlement boundary of Crook of Devon.

The Committee deferred a decision for more information and on 9/10/13 you chose to ignore the level of community objection and that of local members which continued, granting approval, subject to 17 conditions. The agent for the applicant gave assurances his client would meet these within three months at Committee!

In summary, the applicants have been on this site, within the Lochleven Catchment, since March 2012. Whilst I recognise that enforcement is a discretionary power, I note that a top priority for some are breaches of planning control on matters of environmental importance on protected environments (policy EP7 on drainage within the Lochleven Catchment Area), along with impact on public and residential amenity. The conditions that the Committee set in October 2013 were necessary to mitigate the effects of this planning approval on the reasons put forward in objection.

In relation to drainage and water supply, Conditions 2, 9-11, 14, 16 & 17 have not been met and there is no early prospect of connection to mains water, according to Scottish Water. To hold these in abeyance, whilst the applicant continues to 'prevaricate' regarding a CAR licence for a single treatment system for the plots consented or 5 separate ones, is indefensible. Furthermore, it appears there are no portable toilet facilities on site and the authorities say they can do nothing to assist within legislation. I find this completely unacceptable!

In relation to the landscape assessment of this site, the planning reports have always omitted reference to the Landscape Capacity Study commissioned by PKC in order to assist formulating a long-term development strategy for the Fossoy villages (Para 7.1.12 of our LDP), which stated that this site was not appropriate for development. Planning condition 15 was put in to screen the site under Policy RD5B (b) and has not been met; in fact the site fencing is down and the embankment covered in litter; quite frankly, it's an eyesore!

The Residential amenity of the settled community near this site in terms of noise from generators and visual impact has been affected. Conditions 2,9,12 & 13 have not been met. The Report refers erroneously to verification of a breach of condition, linking conditions 12 & 13 but I suggest the number of complaints that have been made justify enforcement action now!

Finally, the so-called hardcore 'paddock area' was being used for a caravan last week and I suggest fears of site expansion voiced at application stage are well founded, so would dispute that Condition 8 has been met.

In conclusion, I maintained at application stage that this site was not appropriate for development in planning terms and I was not convinced that the raft of conditions applied to consent would be met in the timescales set and assured; unfortunately, this has proved to be the case and I certainly don't feel that PKC and its partners in the planning protocol for applications in the Lochleven Catchment are protecting the loch (policy EP7 of our LDP) with their current approach; so, unless the Committee can feel able to put some binding timescales for condition compliance and subsequent enforcement on the applicant and PKC planning, I suggest strongly it is time to review this permission and consider its revocation!

Kind Regards,  
Cllr Mike Barnacle  
Independent Member for Kinross-shire

\* P.S. I will put some background papers in support of the above in your pigeon holes on Monday viz:-

1. Letter of objection from SEPA of 1/5/12
2. My memo to Committee colleagues of 30/7/12 on location of site and settlement boundaries, etc.
3. My letter of 17/11/14 to Nick Brian & Peter Marshall re establishment of gypsy/traveller sites within Lochleven Catchment.
4. E-mail from SEPA of 10/12/14 re Lochleven Planning Protocol.
5. My e-mail of 11/2/15 to SEPA re clarification on drainage arrangements for Crook Moss site.

Our ref: PCS/119723  
Your ref: 12/00546/FLL

Mark Williamson  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

If telephoning ask for:  
Sheena Jamieson

01 May 2012

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

Dear Mark Williamson

**Town and Country Planning (Scotland) Acts**  
**Planning application: 12/00546/FLL**  
**Formation of five permanent gypsy/traveller pitches (partly in retrospect)**  
**Land 300 Metres South East of Fossoway Garage Fossoway**

Thank you for your consultation which SEPA received on 11 April 2012.

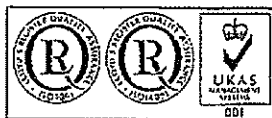
We **object** to this planning application on the grounds of lack of information. We will remove this objection if the issues detailed in Section 1 below are adequately addressed.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage.

**Advice for the planning authority**

**1. Foul Drainage**

- 1.1 There is a lack of information submitted with the application regarding foul effluent disposal. The planning application form states that the development would connect to the foul sewer, while plan number 1 dated March 2012 states that it will connect to the sewer, however if Scottish Water cannot accept this arrangement then a private treatment plant to meet the requirements of the local plan Loch Leven catchment plan requirements. Furthermore the response from Scottish Water dated 30 March 2012 on the council's website states that there is limited capacity and the developer should discuss directly with Scottish Water.
- 1.2 The preferred method of draining the site would be to discharge foul effluent into the foul sewer. If this is not feasible due to a lack of capacity available in the public system then a private plant discharging into the Devon catchment would be preferred to a discharge into the Loch Leven catchment. It should be noted that if the applicant proposes a soakaway as part of the treatment system then a hydro-geological study would be required to ascertain whether the groundwater is part of the Loch Leven catchment.
- 1.3 If it is proposed to make a discharge to the Loch Leven catchment then the applicant would



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David Sigsworth

Head of Planning  
James Curran

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need to demonstrate that they could meet the requirements of the Loch Leven Catchment Management Plan as set out in adopted local plan policies 10, 11 and 12.

## **2. Surface Water Drainage**

- 2.1 Surface water from the development should be disposed of through the use of SUDS in accordance with CIRIA C697 manual. However given that this site was previously used as a landfill, prior to designing a site specific surface water scheme the applicant will have to gather information on ground conditions and materials deposited on site through discussions with your authority or ground investigation. We recommend that contact is made with your Environmental Health colleagues regarding the issue of potential contamination at the site.
- 2.2 Any SUDS scheme for the site would need to be designed to prevent any further risk of pollution from infiltration or disturbance.

### **Detailed advice for the applicant**

## **3. Foul Drainage**

- 3.1 We recommend that contact is made directly with SEPA's Fife Operations Team, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA Tel. 01592 776910 regarding options for private sewerage disposal if the sewer connection is not feasible.

### **Regulatory advice**

## **4. Regulatory requirements**

- 4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Fife Operations Team, Pentland Court, The Saltire Centre, Glenrothes, KY6 2DA Tel. 01592 776910

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or 627989 e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Sheena Jamieson  
Senior Planning Officer  
Planning Service

Copy to:  
Callum Strachan, Adliya, 4 Losset Park, Alyth, PH11 8GA

Dear Colleagues,

30/7/12

Committee 1<sup>st</sup> August 2012 Paper 4 (1) (ii) Establishment of Gypsy/Travellers Site at Crook Moss, Crook of Devon

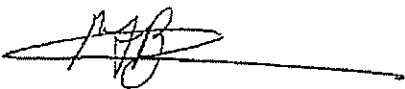
Further to my memo of 24<sup>th</sup> July 2012 enclosing background correspondence between myself and David Littlejohn re above. By way of further clarification for you, I am enclosing some maps showing the site location in context marked with an asterisk or circled etc.

1. Inset Map 6 under Policy 81 (omitted from Report) of Kinross Area Local Plan 2004.
2. Settlement Strategy Landscape Capacity Study Kinross Local Plan Draft Report August 2005 Table 1, Table 5 re Crook Moss Assessment Area CD3 circled on Plan 4 (note the constraints against development).
3. Plan 10 Assessment from Landscape Capacity Study March 2005 (note sensitive edges with important landscape features or views beyond at site locus).
4. Slide Map 43 of February 2010 showing submissions towards inclusion in the Local Development Plan Main Issues Report (Crook Moss in Green No 15/9076 – on 11.83 hectare site proposed for community access, forestry, open space and recreation).
5. Slide Map 42 is the Fossoway Community Strategy Group's proposed final amendments to the Landscape Capacity Study following public meetings and representations since 2004, submitted by me in a letter of 28<sup>th</sup> July 2010 on the Local Development Plan Main Issues Report.

You should note that the community agreed with the landscape capacity study on CD3 as not appropriate for development but disagreed on CD4, because of flood risk.

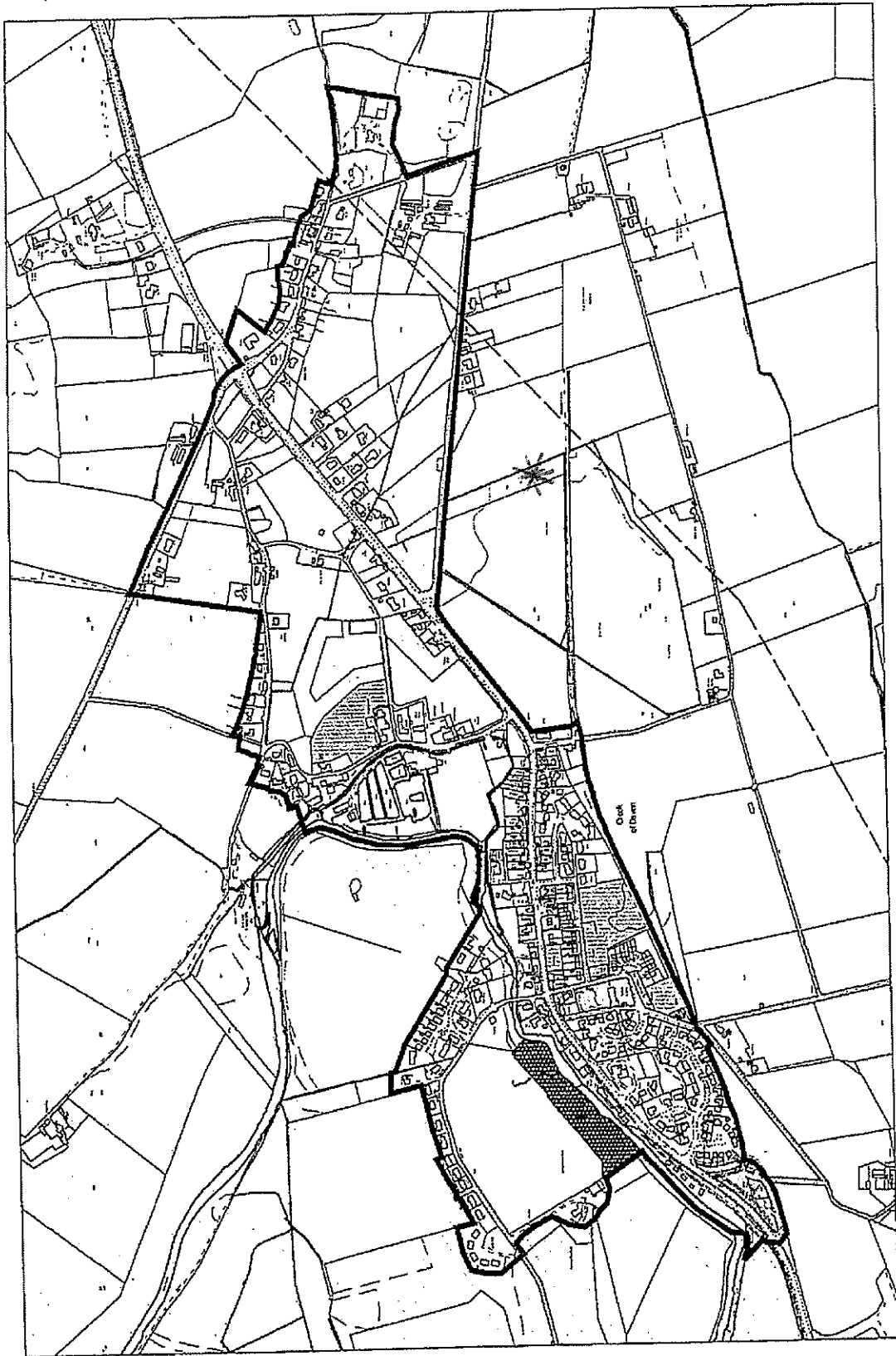
6. Proposed Local Development Plan Map for Crook of Devon from Page 218, supported by a petition of over 200 signatures.

Trust helpful & Kind Regards.



Cllr Mike Barnacle

# Map 6: Crook of Devon



Scale 1:10000



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Presentation of Results

2.32 This report presents the findings of the capacity assessment. For each settlement a short description and some background information is given to provide a context for the assessment, which is presented in tabular format. As explained above, a three point scale provides a simple expression of the results of applying the criteria and helps to indicate the effects of development on the different aspects assessed. The three point scale is represented by symbols in summary tables which explain the application of the criteria. This makes the analysis and presentation more understandable and substantially reduces the volume of text. The tables are supplemented, in the Appendices, by maps and illustrations of each settlement which indicate the various features referred to in the text of the report.

TABLE 1 SUMMARY OF LANDSCAPE CAPACITY ASSESSMENT CRITERIA			
Assessment Criteria	✓	○	X
Physical Constraints	No significant physical constraints to development		Physical constraints to development. No further assessment undertaken
Landscape Constraints	Development could have a positive effect on landscape character eg via enhancement or restoration of characteristic features	Overall a neutral effect on landscape character	Overall a negative effect on the character of the landscape
Settlement Form / Pattern	Development could sustain or blend with settlement morphology and patterns	Overall development would have a neutral effect on settlement form and pattern	Development would detract from important aspects of settlement form and pattern
Visual Constraints	Development could enhance views or visual amenity	No significant visual impact even where development may be noticeable	Substantial visual impacts - development would be uncharacteristically conspicuous

3.4 CROOK OF DEVON AND DRUM

- 3.4.1 Crook of Devon lies in the Lowland River Valley Gorge landscape character type, located on the edge of the Devon Gorge. It is essentially linear in form, and has two distinct but related elements. The southern part consists of linear development along the A977 with modern estates infilling the land between the main road and the old railway line. It comprises mainly 1½ storey cottages and bungalows along the main road and some two storey houses in the modern culs de sac, all exhibiting a range of different materials, from harling and stone to brick and from grey slates to coloured pantiles. This part of the village has little impact on the wider landscape, where it fits well into the valley (see photograph CD1), mainly on the south bank, but there is a ribbon of development along Naemoor Road and Moubray which appears more detached from the main elements of the village. New development and the haulage business near the Monarch Deer Farm are more noticeable. The wooded gorge and the designed landscape of Lendrick Muir School are important parts of the setting of Crook.
- 3.4.2 The second element of the original settlement of Crook lies on the outer head of the crook of the river itself, now north and east of the fish farm. It contains the school and Tullibole Mill. It is different in form and character to the southern element, from which it is separated by a narrow gap north of the war memorial. This part of Crook has a settlement form and character more akin to that of Drum.
- 3.4.3 The southern part of Crook is compact and densely built in a relatively straight, linear form with modern development in depth behind the more traditional development fronting the A977. The layout is modern and planned, with small spaces and gardens. The northern element of Crook comprises frontage development along a winding narrow lane, in places

with significant gaps between buildings, giving a more rural ambience enhanced by the quietness away from the main road where traffic noise and movement is one of the dominant characteristics of the southern part of the village.

- 3.4.4 Drum lies mainly in the Lowland River Valley Gorge landscape character type, but partly in the Loch Leven Basin Low Hills (see photograph CD2). Much of Drum is similar to the northern part of Crook, with a more or less continuous frontage of cottages to the narrow lane off the A977, abutting the woodland and parkland of the designed landscape of Tullibole Castle, to the east. However, between these core historic areas of Crook and Drum is a loose, open, rather scattered settlement pattern of intermittent frontage developments lining the twisting narrow lanes or along the straights of the A977 or B9097 (see photograph CD3). There are substantial gardens, open spaces and fields behind and adjacent to the dwellings, with important gaps in the frontage development allowing views over the open spaces in the middle of the village. This area of more scattered, very low density development links Crook and Drum and makes distinguishing the boundary between the two more difficult.
- 3.4.5 The main part of Drum, the north part of Crook and the low density scattered development between them are characterized by one and 1½ storey buildings in white render with grey slate or tile roofs.

#### Issues to be considered

- 3.4.6 Whether the open spaces in the scattered low density development fronting the lanes between Crook and Drum should be developed, or retained, depending on whether it is desired to improve cohesion of, or emphasise distinction between, the settlements.
- 3.4.7 Whether development could help to contribute to the management of the designed landscapes at Lendrick Muir and Tullibole Castle.
- 3.4.8 Whether all of the allocations in the Local Plan referring to 'village setting' are appropriate or whether any may be developed without detriment to village setting or character.

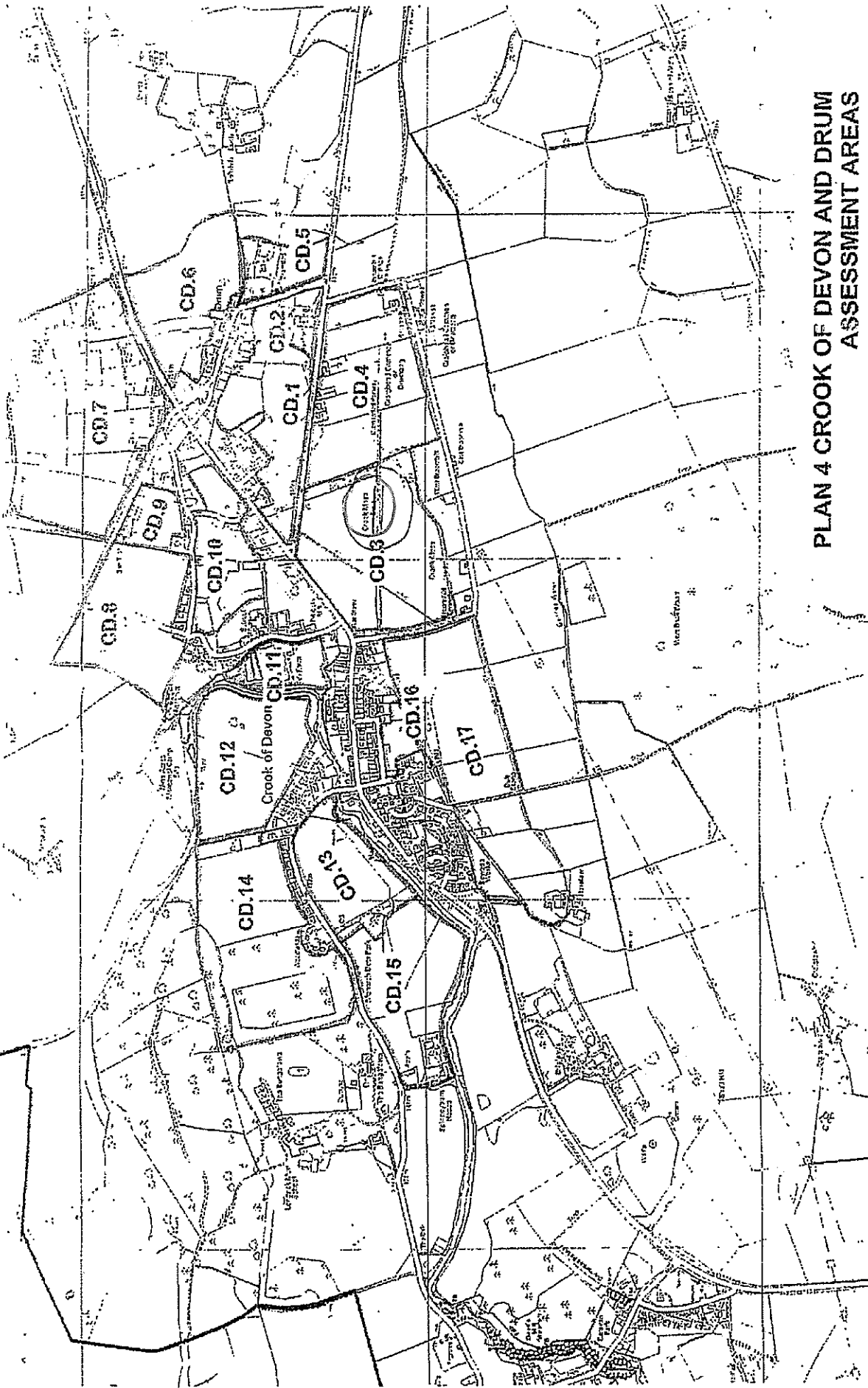
#### Conclusions - Crook of Devon and Drum

- 3.4.9 Whether the open spaces in the scattered low density development fronting the lanes between Crook and Drum should be developed, or retained, depends on whether it is desired to improve cohesion of, or emphasise distinction between, the settlements. Large scale development could be absorbed visually in the area but would effectively merge the settlements into a single unit, destroy the settlement pattern and lead to the loss of the relatively unusual low density development between the core village areas. Assuming that it is preferred to retain the characteristics described at the beginning of this section in respect of the two elements of Crook, Drum and the area between, then there is some limited scope for redevelopment of Muirfield (see photograph CD4), carefully designed and sited, low density, well landscaped frontage development south of Bankfoot (see photograph CD5) and north of the A977, between the village cores.
- 3.4.10 Despite the fact that the villages lie between the designed landscapes at Lendrick Muir and Tullibole Castle, it is difficult to see how development could help to contribute to the management of them without being within them and therefore having an adverse effect on their character and importance, so offsetting any potential management improvement.
- 3.4.11 Whilst most of the allocations in the Local Plan referring to 'village setting' are appropriate to open land between and behind the frontage development that has already occurred, and which makes the area between the two village cores distinctive, some further low density frontage development could take place without detriment to village setting or character, north of the A977 as indicated in paragraph 3.4.9 above.
- 3.4.12 There is potential for development north-west of the river opposite existing development fronting Naemoor Road and for 'smallholding' type development at Craighead Common.

Table 5 Settlement Capacity Assessment Crook of Devon and Drum				
Direction / Location	Physical Constraints	Landscape Constraints	Settlement Form and Pattern	Visual Constraints
CD 1 north of B9097	✓ None but pylon may affect siting	X Important open space with willows and drumlin-like hill, part of setting of village and allocated as such in the Local Plan	X Would detract from the linear form of Drum	X Conspicuous open high ground
CD 2 Muirfield	✓ None but overhead line may affect siting	✓ Could improve landscape characteristics by removing unsightly sheds etc. Most of area not allocated as setting of village in Local Plan	○ Already partly developed and would fit settlement pattern of Drum	✓ Redevelopment with appropriate buildings would enhance visual amenity
CD 3 Crook Moss	? Wetland and ground conditions?	X Old moss is an important landscape feature characteristic of the area	X Would have no link to settlement pattern and further blur the separation of Crook and Drum	X Conspicuous site from main roads
CD 4 Craighead Common to Peatgate	✓ None	○ Possibly part of old moss but drained and partly developed, so reads as an area of smallholdings	○ Low density frontage development could read as part of the existing linear smallholding pattern	○ Existing development is prominent from B9097 but not from A977, seen as part of Drum in wider setting
CD 5 Drumbog	✓ None	X Designed landscape of Tullibole Castle	X Frontage development could reflect linear form of Drum but would adversely affect relationship between village and designed landscape	○ Well contained visually but would affect amenity of the designed landscape
CD 6 north of Drum	✓ None	X Open fields characteristic of the landscape type with strong rural character and providing Drum with discrete setting in the landscape	X Would detract from the linear form of Drum	X Conspicuous from A977 and the north
CD 7 Carsehall	✓ None	X A well treed hill slope characteristic of the landscape type and a major landscape feature in the setting of Drum	X Would detract from the linear form of Drum	X Conspicuous rising ground and prominent hill
CD 8 east of Bankfoot	✓ None	X Open, rising ground in the Devon valley detached from the villages, strong rural character and part of the AGLV	X Would detract from the linear form of Drum and Crook and the settlement pattern between them	X Conspicuous open land visible over a wide area
CD 9 south of Bankfoot	✓ None	○ Fields more associated with the low density development between the village cores, rather than open countryside, allocated as setting in the Local Plan but low density, well landscaped development round the edge could fit landscape character	○ Low density development could be consistent with the scattered settlement pattern between Crook and Drum	○ Whilst prominent now, could be screened and well contained visually
CD 10 north of the A977	✓ None	○ Low density development between the village cores allocated as setting in the Local Plan but low density, discretely located and designed, well landscaped development could perpetuate this character	○ Would detract from settlement pattern between Drum and Crook unless very low density frontage development	○ Visually well contained
CD 11 east of the river	? Ponds and wetland	X The outer head of the crook of the river, an important landscape feature and part of the setting of Crook	○ Frontage development could be consistent with the linear form of Crook in the valley	○ Potentially well contained visually



Table 5 Settlement Capacity Assessment Crook of Devon and Drum				
Direction / Location	Physical Constraints	Landscape Constraints	Settlement Form and Pattern	Visual Constraints
CD 12 north of Moubray	✓ None	X May be part of the designed landscape of Lendrick Muir. The inner crook of the river is an important landscape feature and part of the AGLV	X Would detract from the linear form of Crook in the valley	X Conspicuous open land in the Devon valley
CD 13 north-west of the river	✓ None	O May have been part of the designed landscape of Lendrick Muir but now perceived as separate, with existing development	X Would theoretically detract from the linear form of Crook in the valley but settlement pattern not easily appreciated on north bank and ribbon on Naemoor Road already present.	✓ Potentially well contained visually. Development could help screen haulage contractor's yard
CD 14 Lendrick Muir	✓ None	X Designed landscape of Lendrick Muir and part of the AGLV	X Would have no relationship to settlement pattern	X Well contained visually but would affect amenity of the designed landscape
CD 15 Monarch Deer Park	✓ None	X Fields well detached from the village, associated with the setting of the designed landscape and important part of the river valley. Part of the AGLV	X Would have no relationship to settlement pattern	X Locally conspicuous despite wooded setting and development would be visible from A977 across valley
CD 16 St Serf's open space	✓ None	O No effect on landscape character but a valuable community open space	O No effect on settlement pattern	O Potentially well contained visually
CD 17 south of the railway	✓ None	X Open fields characteristic of the landscape type with strong rural character and providing Crook with discrete setting in the landscape, railway line is a strong settlement edge feature	X Would detract from the linear form of Crook and the settlement pattern between it and Drum	X Conspicuous open land on prominent slopes



**PLAN 4 CROOK OF DEVON AND DRUM  
ASSESSMENT AREAS**

Title: Landscape Capacity Study - Fosso way

Client:

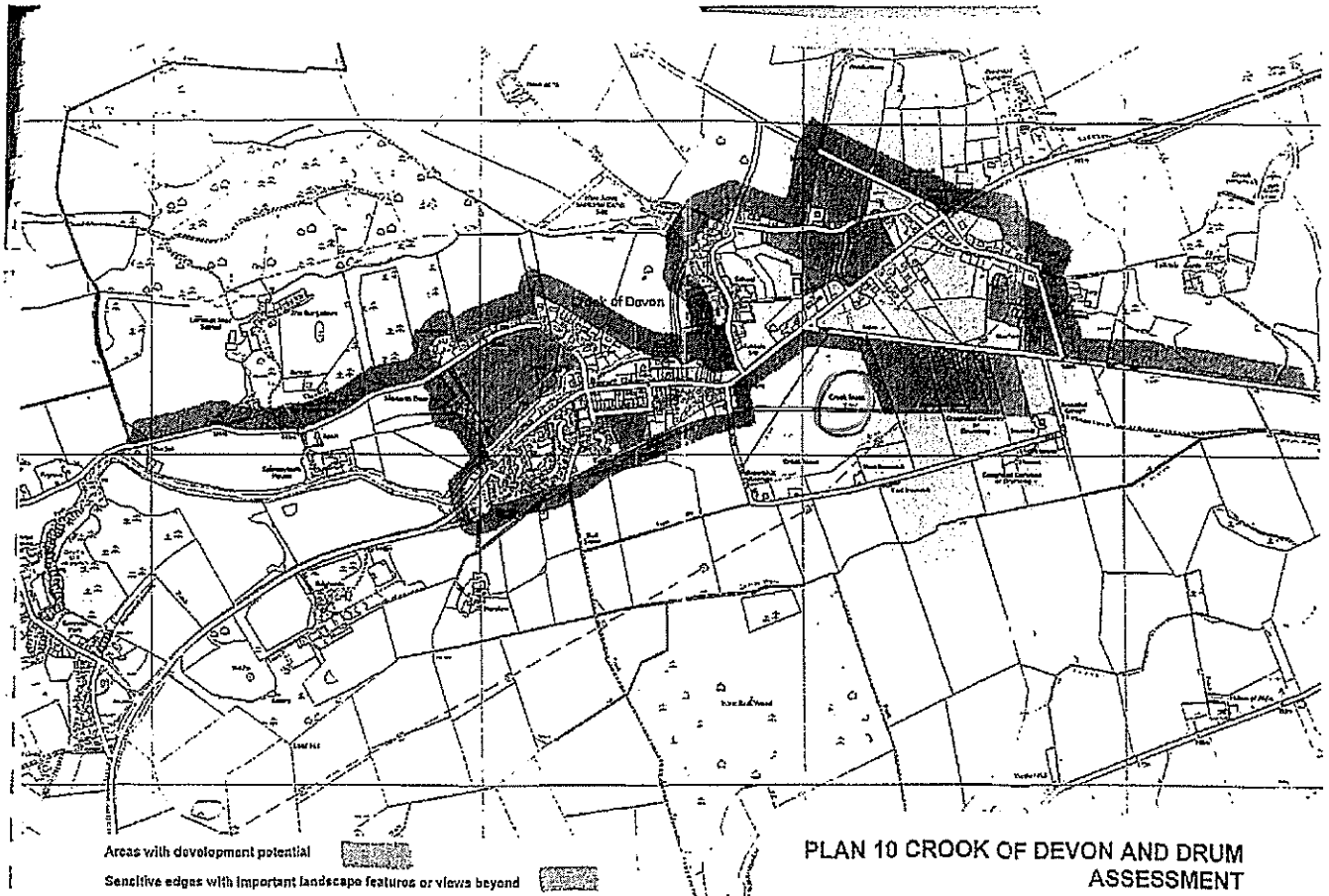
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Checked: J. Smith  
Date: 18/03/05





**PLAN 10 CROOK OF DEVON AND DRUM  
ASSESSMENT**

Areas with development potential [stippled box]  
 Sensitive edges with important landscape features or views beyond [cross-hatched box]

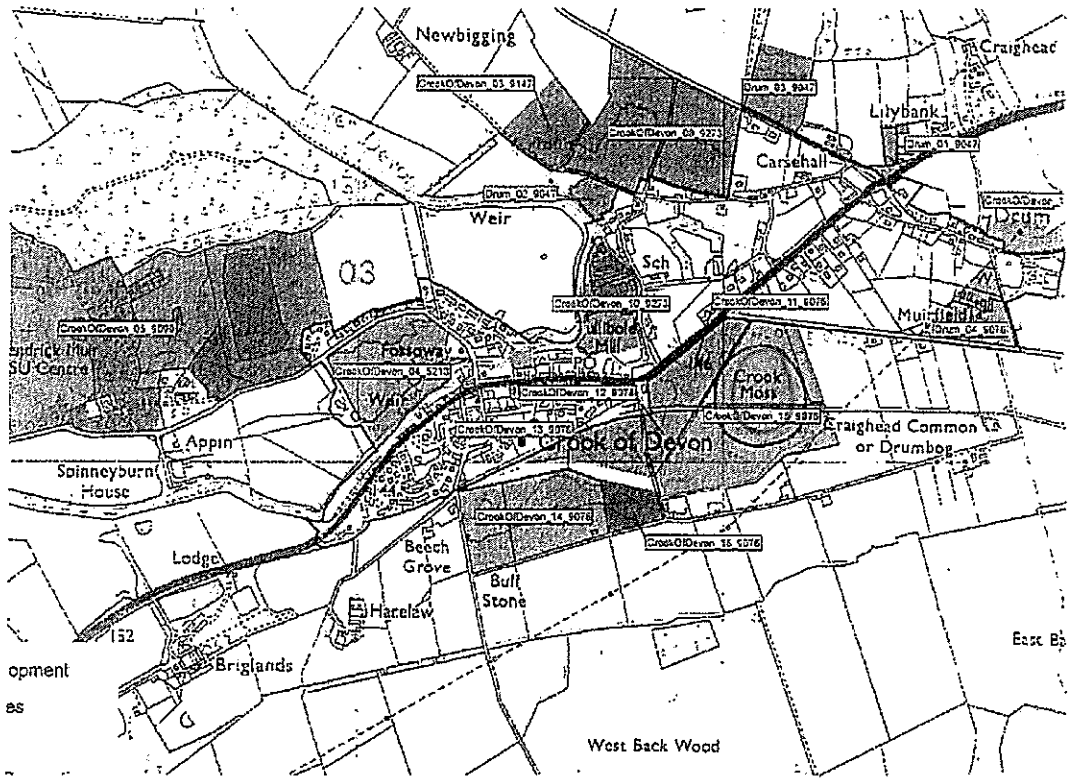
Landscape Capacity Study - Foscway

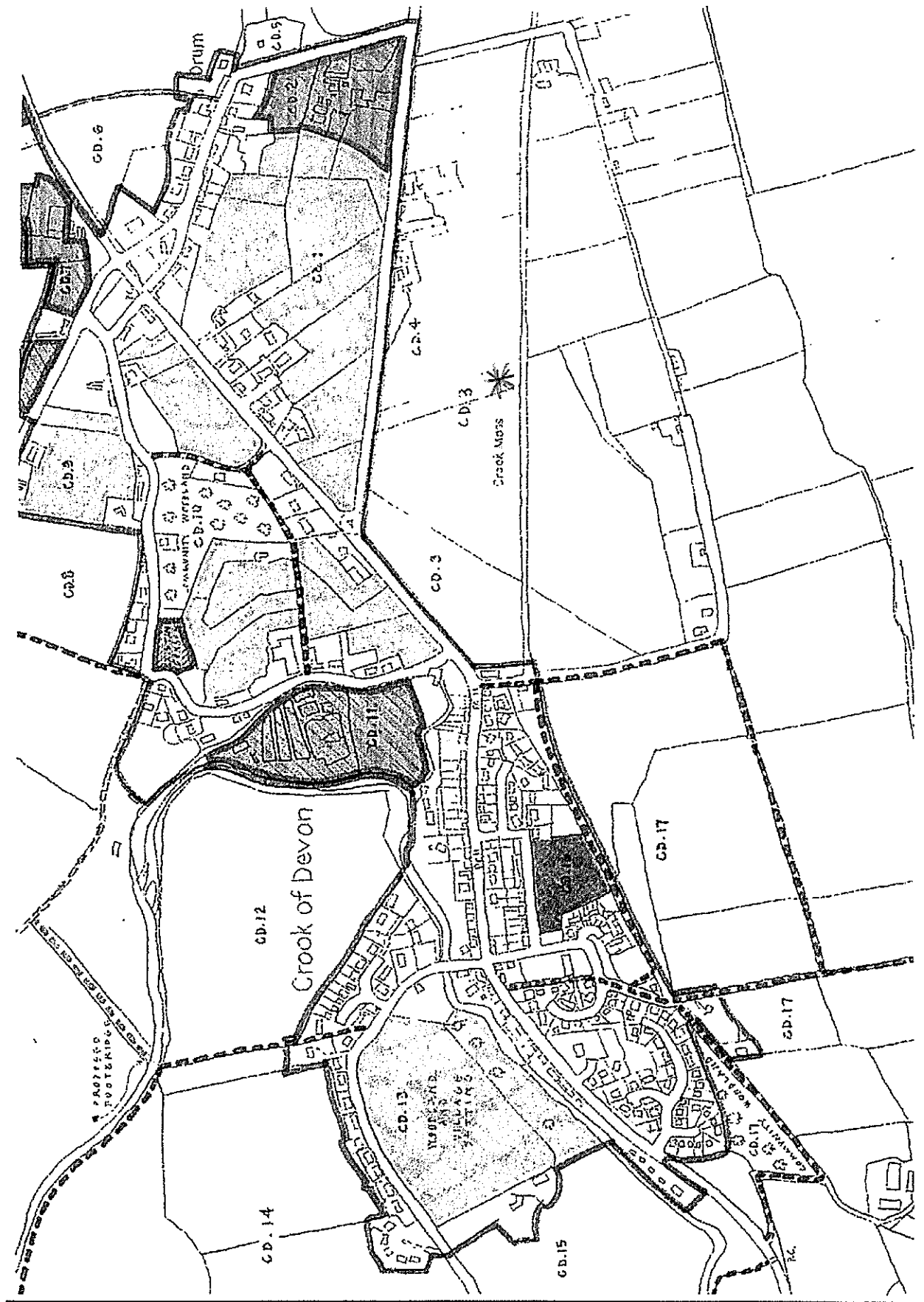
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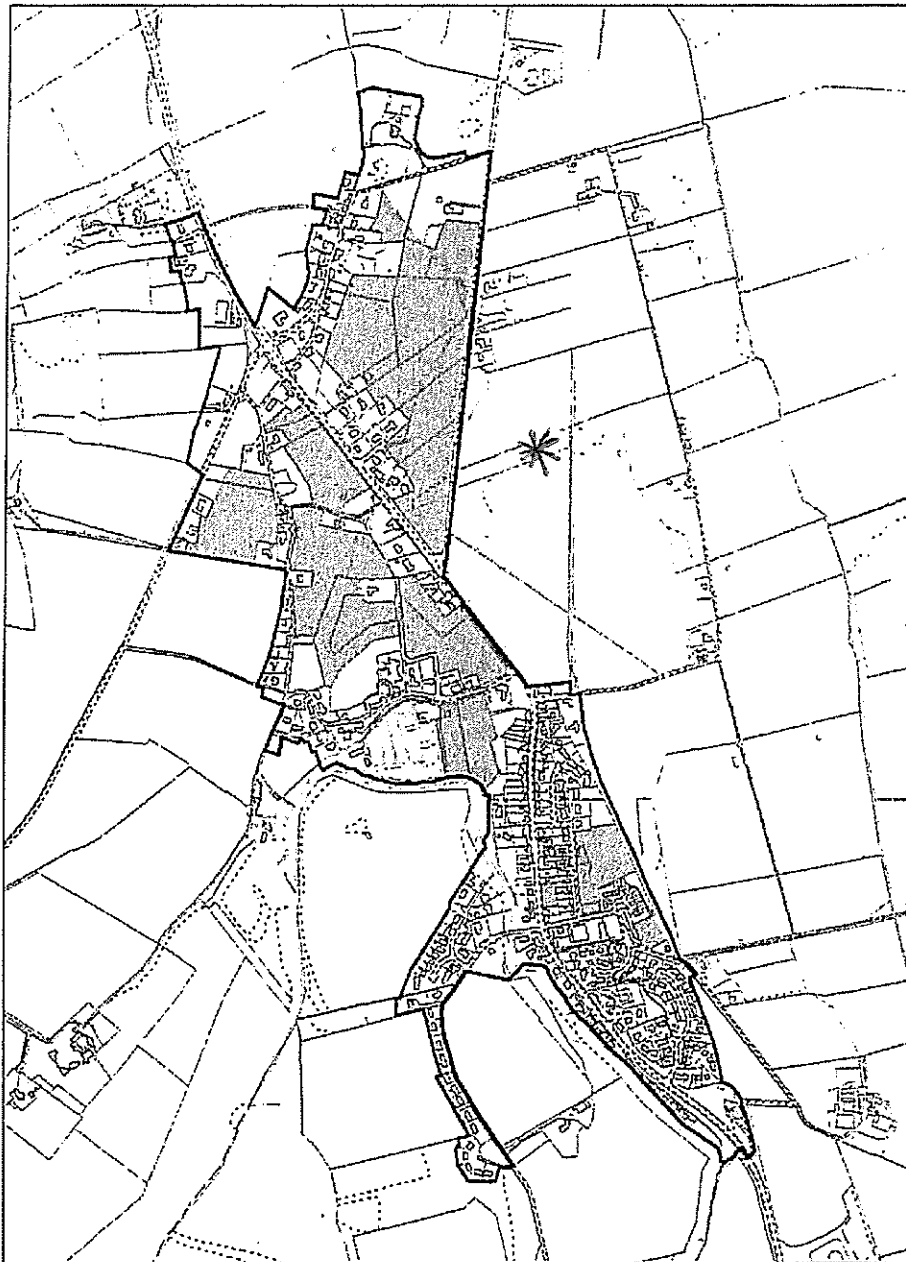
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Plan 10, 1 Transcription  
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MAB/LJC

17 November 2014

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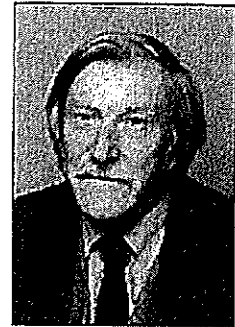
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Moorend  
Walkmill  
Crook of Devon  
KINROSS  
KY13 0UZ

Tel: 01577 840516

An Independent Councillor



Dear Colleagues

### **Establishment & Expansion of Gypsy/Traveller Sites within Lochleven Catchment**

I refer to previous correspondence and concerns expressed to yourselves by the community and local elected members, with particular reference to the Crook Moss & Greenacres sites. In the context of the current discussions regarding the quality and standard of planning reports and relations with community councils, I wish to focus mainly on the Crook Moss site.

Between the first rumour of this site proposal in May 2010 and the lodging of a validated planning application in March 2012, extensive site clearance works and development of the site was allowed by PKC, contrary to the wishes of the community and elected members locally.

There was significant objection from the community, local elected members (who had been advised by planning officers that a delegated refusal, which we expected, would keep the process of appeal within PKC) and SEPA to the application; meanwhile works continued on site in advance of any planning decision. My letter of 20<sup>th</sup> June 2012 to David Littlejohn attached highlighted community concerns on how his department were handling the Crook Moss/Greenacres sites and the policy approach to such developments, in particular the new "open-door" Policy RD5 that suddenly appeared without consultation in the Local Development Plan (LDP), I being wary of how it would be used by agents to support invariably retrospective applications that result in sites becoming established and proliferating, without adequate planning control. I suggest my concerns have been justified since. I noted that in May 2006, PKC planning stated that the potential of the Greenacres site had been achieved at 7 units; a site visit now, consistently rejected despite requests by myself and Cleish Community Council (CCC), would reveal about 5 times that in terms of capacity.

The Crook Moss site was brought to the Development Management Committee (DMC) on 1<sup>st</sup> August 2012 with a recommendation for approval (having been all but established already) to the amazement of local members who could not vote thereon, having declared opposition (I personally will never repeat that mistake). Fossoway Community Council (FCC) and local members addressed the Committee on the number of policies and reasons for refusal (in particular regarding landscape, settlement boundaries and residential amenity), along with ambiguities, inaccuracies and omissions in the report. After an extraordinary length of time questioning officers, a deferral for more information was agreed.

Councillor Cuthbert and myself met the SNP Convenors of the DMC on 13<sup>th</sup> August 2012 with our concerns on the outcome, process and standard of report presented to DMC and I prepared a number of questions/observations that arose that required to be addressed during the deferral period, also referring to FCC's questions summarised, attached. None of this, including a request to visit the Greenacres site to establish need (LDP includes a generous settlement boundary around this site following representations from CCC and myself seeking to establish parameters of the site), was responded to and FCC lodged a formal complaint over the handling of the application, which I fully concurred with.

On 9<sup>th</sup> October 2013, the application was brought back to DMC for approval, with a host of conditions, principally on the basis of Policy RD5 & Housing in the Countryside. FCC and local members again addressed same and I noted that most of the issues I had raised at deferral and since had not been addressed in the report, nor had mention been made of FCC's complaint (2 of which had been upheld). The DMC chose to ignore the level of community objection and that of local members which continued, granting planning approval as recommended. The agent gave assurances his client would meet the list of extensive conditions within three months!

On 10<sup>th</sup> October 2013 I wrote to yourselves and also to Legal Services on 26<sup>th</sup> November 2013 attached, following a Kinross-shire CC's Forum meeting regarding the **Memo of Understanding for Planning Procedure for Applications in the Lochleven Catchment** agreed between PKC, SEPA & SNH (no local member involvement) reported at the E & I Committee of 28<sup>th</sup> August 2013. Cllr Robertson and myself had expressed concern at removal of Section 75 Legal Agreements and replacement by conditions, given our experience of lack of enforcement. Following the DMC decision of 9<sup>th</sup> October 2013 re Crook Moss, when this Memo Protocol was first mentioned, it became clear that 'it could not be adhered to where retrospective applications are involved' (seemingly encouraged by PKC) because development has already commenced on site without the necessary drainage arrangements being implemented in accordance with it. I suggest strongly that the authorities, by their approach, are in breach of their statutory duty to protect Lochleven under Policy EP7 of our LDP.

Between February 2014 and current date, local members and residents have continued to make representations regarding the lack of enforcement of Crook Moss planning conditions and extension of deadlines to meet same. It is my understanding that currently there are no drainage or water supply arrangements in place that have a licence or comply, whilst noise conditions and the so-called landscape framework are breached. (They have been on site, in the catchment, since March 2012). Whilst I recognise that enforcement is a discretionary power, I note that a top priority for some are breaches of planning control on matters of environmental importance on protected environments, along with impact on public visual and residential amenity. Given this failure by the applicants, I suggest strongly it is time to review this planning permission and consider its revocation.

#### IN SUMMARY AND TO CONCLUDE

There is no Local Democracy inherent in our Planning System (An area committee for Kinross-shire giving stronger weight to the views of the local community and it's elected members, which I continue to advocate, has been consistently rejected by our centrist, controlling and corporate minority SNP administration in Perth).

The lack of any meaningful deterrent to retrospective applications being applied by PKC, under directive from the Scottish Government, makes a mockery of the planning system, giving no incentive to applicants to follow correct due process.



As suggested earlier, Lochleven catchment policies are being undermined by the current approach and I have no faith that PKC and its partners in the planning protocol will protect the loch.

The community I represent wants to see a level playing field exercised, which planning regulations stress but it would appear to me that, from any detailed examination in relation to this matter, the European Convention on Human Rights confers special treatment for certain so-called ethnic groups that produces the opposite in planning terms.

I will be interested in your responses, particularly as ward councillors are to meet with planning on 27<sup>th</sup> November 2014 to discuss Crook Moss, Greenacres & Mawcarse Gypsy/Traveller sites.

Yours sincerely,



Cllr Michael Barnacle  
Independent Member for Kinross-shire

Circulation List & Background Papers Attached

Cllrs Cuthbert, Giacomazzi, Robertson, Kinross-shire Ward  
Cllrs Gray, Band, Convenors DMC  
Sandy Morrison, Chair of Fossoway Community Council  
Ron Kitchin, Chair of Cleish Community Council  
Sean Caswell, Planning Unit Manager (Perth & Edinburgh) SEPA  
Helen Taylor, Operations Officer (Planning for Lochleven Catchment) SNH  
Roseanna Cunningham MSP (Perthshire South & Kinross-shire)  
Willie Rennie MSP (Lib Dem for Mid Scotland & Fife)  
Liz Smith MSP (Conservative for Mid Scotland & Fife)  
Gordon Banks MP (Ochil & South Perthshire)

Background Papers

1. MB's letter to Nick Brian re Greenacres 4/7/11
2. MB's letter to Mark Williamson 25/4/12
3. MB's letter to David Littlejohn 20/6/12
4. MB's note to DMC Colleagues 30/7/12 + attachments 4a - 4h
5. Emails to Convenor of DMC & attachments 15&16/8/12
6. MB's address to DMC 9/10/13
7. MB's letter to Legal Services + attachment 26.11.13
8. Cllr Giacomazzi's email to Chief Executive 4/2/14
9. MB's email to SP&R 11/2/14

## **Councillor Michael Barnacle**

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**From:** Farquhar, Alan <alan.farquhar@SEPA.org.uk>  
**Sent:** 10 December 2014 15:39  
**To:** Councillor Michael Barnacle  
**Cc:** Caswell, Sean  
**Subject:** Loch Leven Planning Protocol

Dear Cllr Barnacle,

I understand from your phone call that a retrospective planning application went to the planning committee today which included a discharge to the Loch Leven.

Unfortunately, Sean Caswell is still on sick leave so I have been unable to discuss the matter of retrospective planning permissions in the Loch Leven catchment with respect to the planning protocol. However, in view of the concerns which you have raised I will:

- a) Issue an instruction to SEPA planning staff to escalate any relevant planning consultations to management for additional scrutiny (particularly on the drainage aspects of the proposal) before a response is made.
- b) Review our position with respect to the planning protocol and we will contact you once this has been done.

I am hopeful that Sean will return to work next week. Either Sean or I will be in contact with you in due course.

Regards,

Alan

**Alan M Farquhar**  
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