

# Landscape Designation - The Kinross-shire Experience

## by Mike Barnacle

Member of APRS Council and an Independent Councillor for Kinross-shire

In 2000 the Draft Local Plan produced by Perth & Kinross Council (PKC) omitted any reference to Areas of Great Landscape Value (AGLVs) and was much criticised in that respect. As a result of representations, the original area of the AGLV (covering the hills to the east and south of Loch Leven to the Fife boundary) was extended to cover the Cleish and Ochil Hills up to the Fife and Perthshire boundaries in the Final Draft Local Plan 2001. At the Public Inquiry in 2003, representations that the whole of Kinross-shire should be an AGLV were rejected by the Reporter because areas within the shire had varying quality in landscape terms. However, the River Devon and its gorge were regarded by him as of outstanding quality and merited inclusion in the designation; this contrasted with PKC's position that they did "not know what to do with the Devon Gorge area".

The Local Plan 2004 included these extensions of the AGLV to the shire's hill and river borders after a hard-fought campaign by Community Councils, pressure groups and local elected members. The designation offered some degree of protection against inappropriate development; in particular it assisted opposition to wind farm development in the Ochil Hills, most notably at Mellock and Tillyrie Hills (the latter the subject of a current appeal to the Scottish Government).

During consultation on the Main Issues Report for PKC's Local Development Plan (LDP) between 2009 and 2011, calls for the retention and extension of the AGLVs were made by the community and elected members, who were dismayed that the designation was due to be lost from the Proposed Plan due to a change in Scottish Planning Policy. In a speech to our Full Council in September 2010, I expressed concern at this loss and the essential need to replace AGLVs with robust Local Landscape Areas (LLAs). I then followed this in February 2011 requesting involvement in further discussions on including LLAs for safeguarding against inappropriate development. PKC's Proposed LDP 2012 contained Policy ER6 to protect landscape, but only referred to National Scenic Areas (NSAs), with the Tayside Landscape Character Assessment to be used for assessing development proposals until supplementary guidance on LLAs is produced.

During 2012, the community and elected members lobbied PKC reinforcing the view that Kinross-shire's AGLVs should become LLAs, remaining in place until supplementary guidance is produced and expressing concern at the delay in the process. At Full Council in January 2013 a Report on Representations to the Proposed LDP covering landscape change suggested PKC make no modification to the Plan, and left to the Reporter the option to retain existing AGLVs in the short period before supplementary guidance is available (2013/14), this having been delayed because of insufficient resources. An amendment by local members in Kinross-shire to retain the AGLVs meantime was

withdrawn upon assurances from PKC officers that landscape guidance would be prioritised.

At Full Council in December 2013 a Report on Plan Modifications and recommendation to adopt the LDP by accepting the Reporter's Examination changes was approved reluctantly, but it was noted that the Reporter thought "it was unfortunate the supplementary guidance on landscape protection was not available"; he also "considered that Policy ER6 provides a better framework for managing the landscape in the former AGLV areas".

At a meeting in November 2013 of local Councillors and Kinross-shire Community Councils it was decided not to pursue a NSA for the shire following advice from Scottish Natural Heritage, but continuing scepticism remained over the Reporter's view that current policy is a satisfactory defence against inappropriate development. I subsequently made a formal request for local elected members to be involved at the outset in shaping the supplementary guidance needed. At PKC Committee in April 2014 the Action Programme for our LDP (adopted by Scottish Ministers in February 2014) contained the need to prepare, consult and adopt Supplementary Guidance during 2014 on landscape protection and wind farm strategy amongst 15 items of policy guidance still outstanding for 2014 and later consultation within our new LDP. A Review of Local Landscape Designations at PKC is now to be undertaken and I have sought participation.

In summary, it has taken PKC five years to address this matter and I suggest currently there is a widening gap and policy vacuum from the loss of AGLVs and what is to replace them. I would be interested to hear what other members of APRS know regarding their local authority's current policy on landscape protection; I do know for example that Fife Council has LLAs in place and has used them to recommend refusal of a wind farm on the border with Kinross-shire at Outh Muir.



*Loch Leven from Bishop Hill, looking towards Cleish Hills*