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| MAB/LJC2 February 2018Peter MarshallBrenda MurrayPlanningPerth & Kinross CouncilPullar House35 Kinnoull StreetPERTHPH1 5GD  | 2 High StreetPerthPH1 5PHTel: 01738 475000 Email: mbarnacle@pkc.gov.uk[www.pkc.gov.uk](http://www.pkc.gov.uk)MoorendWaulkmill RoadCrook of DevonKINROSSKY13 0UZTel: 01577 840516**An Independent Councillor** | Councillor Michael Barnacle |

Dear Colleagues

**Local Development Plan 2 – Proposed Plan 2017**

I write in formal representation on the above Plan but my comments should be seen in the context of background correspondence summarised, in particular my letters of 14th July, 31St August 2017 and discussions at the Kinross-shire Ward Forum of Community Councils, plus the subsequent short-life MOWG set up to address same, etc.

**INFRASTRUCTURE**

It is disappointing that a Kinross-shire section of the Plan (LDP2) in terms of Spacial Strategy has been dropped and settlements for the whole authority area listed alphabetically. Where is the accompanying infrastructure report for the shire we were promised, I note only reference to a Kinross and Milnathort study!

Would the Plan support identified parking areas within settlements during it’s’ lifetime?

Why is the supermarket site and neighbouring Park & Ride not identified in the Kinross settlement?

I lament the complete lack of reference to the need for mitigation measures for the Route Action Plans for the A977, A911 and B9097.

There is no reference to the lack of a rail service in Kinross-shire, despite administration support.

**POLICIES**

(I endorse/enclose the comments of Kinross-shire Civic Trust and Cleish and Blairadam Community Council in their letters of 25/1/18 and 31/1/18).

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**10 Placemaking**

Whilst welcoming a capacity range to address previous concerns, I suspect it will be far too generous to the development sector.

**6 Settlement Boundaries**

I regard the potential for exceptions on development as generous and open to breaches thereof; I feel they should be restricted to illustrations of community benefit.

**17 Residential Amenity**

The policy mentions improving that of existing residents and I feel this should be accorded more importance.

Could we consider the creation of significant buffer zones between developments?

Could we also enhance the policy to give communities more time to protect ‘assets of community value’, such as garages and hotels, giving more time for alternative proposals to germinate.

**19 Housing in the Countryside**

I maintain that planning at PKC don’t recognise the extent of windfall development in Kinross-shire, serving the Edinburgh market.

**20 Affordable Housing**

LDP2 should recognise the need for appropriate provision in the rural villages, rather than just the tiered settlement development approach of Tayplan.

**21 Gypsy/Traveller Sites**

I believe this policy is far too ‘open door’ and open to breaches thereof. I refer you to my comments later regarding the Crook Moss and Greenacres sites!

**28 Conservation Areas**

There is no mention of exploring new possibilities, contrary to national policy. Would PKC respond to community led studies into the feasibility of designations, i.e. Keltybridge and Maryburgh?

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**31D (Policy Map D) Spatial Framework for Wind Energy and Policy 37 Landscape**

Policy 31D and 37 should refer also to Local Landscape Area designations and their need for protection from inappropriate development. There is an urgent need to review the exclusion of the Cleish Hills and Devon Gorge from

such designation following a deeply flawed consultant’s exercise – See my letter of 31/8/17 and enclosures.

**38B Trees, Woodland and Development**

Experience of inappropriate felling by Developers suggests that tree protection is not strong enough and that TPO’s alone (not mentioned here) are insufficient to safeguard important groups of trees – a major omission in ‘Big Tree County’. I would like to see much greater attention at planning committees to the representations from our bio-diversity and tree officers!

**44 Lochleven Catchment**

This policy fails to mention the ‘protocol’ between SEPA, SNH and PKC. There is an urgent need for review of this in relation to its total lack of effectiveness when dealing with the increasing number of retrospective applications.

**FINALLY**

A number of policies allow for survey/reports to be commissioned by

applicants, rather than chosen by PKC and the applicant billed. In areas such as airfield safeguarding, buildings retention, habitat, trees and transport it often produces a report open to challenge because it is not ‘independent’.

**SITE ZONINGS**

**BALADO**

I support the revised settlement boundary here and believe that H51 should be required to connect to mains drainage.

**CLEISH & BLAIRADAM**

Along with the Community Council, I am content with the settlement boundaries in this community council area. However, comment is required regarding the Greenacres gypsy/traveller site viz:-

This site has expanded way beyond the planning department’s potential, stated in May 2006 and I still have concerns that the current boundary will be breached,

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particularly on the north west; could the landscape framework be augmented to enclose the site to the north and south?

**FOSSOWAY**

Final development proposals should be seen in the context of work by the Fossoway Community Strategy Group, acknowledged in Para 7.1.12 of LDP1 and final settlement maps produced enclosed; also current consultation on A977 mitigation resources of £540,000 being conducted by the project officer viz Total estimated spend produced by officers approx £793,500 (excluding a junction re-alignment at Powmill), less local members’ priorities £534,000 per newsletter article attached, gives a shortfall of £259,500 (including contingency of say £27,000) that could conceivably be met from site developer contributions.

**Blairingone**

I support MU74 and E22, the mixed use site is large and could accommodate significant development in the longer term that may help to safeguard the future of the primary school.

**Carnbo**

I support the settlement boundary but feel there should be no more housing development until mains drainage is available.

**Crook of Devon & Drum**

I am in support of the settlement boundary here and the inclusion of the mixed use site MU266. Although the Fossoway Community Strategy Group had originally excluded development of this site in their settlement map, supported by myself; this positon changed on 4th August 2015 (email enclosed) when proposals came forward suggesting provision of major mitigation measures on the A977 could be provided and at that time there was no PKC budget for same. Also, PKC themselves had discredited the work of their landscape consultant by repeatedly ignoring his assessment of the Crook Moss area as being not appropriate for development, mainly through drainage constraints, when sanctioning development of the neighbouring Crook Moss gypsy/traveller site against the wishes of the local community and members. It is the case that the residents of the Crook Moss site have been there since March 2012 and as far as I’m aware are still in breach of conditions on drainage and water supply (on a site within the Loch Leven catchment), also landscaping. The site is an eyesore, as far as the local community is concerned, with a lack of enforcement obvious nearly 6 years later; it is undoubtedly the worst planning decision I have encountered in nearly 20 years as a local councillor. We also know from Scottish Water as of 7/11/17, that both Crook of Devon & Drum WWTP’s are at or near capacity and require upgrades; the development of MU266 can be ‘a growth project’ to fund such upgrades.

Due to the delay with Tayplan, an opportunity for further consultation on site zonings in Fossoway was afforded in February 2017 by local members. The owners of site

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MU266 put forward detailed proposals at the insistence of PKC to the consultation event, more than usually associated with a zoning issue, but it soon became clear that approximately 60% of respondents were opposed to its detail, scale and impact. As a result of analysing responses and further discussion, a revised proposal came forward and I circulated a letter to residents on 3/11/17 enclosed. Although at the meeting on 7/11/17 of the Community Council, a number of residents voiced their continuing opposition to development here, it was not unanimous and subsequent responses to myself were mixed. The vast majority of the 350 residents circulated do not appear to have a view either way. I am personally content with the developer requirements outlined for the site in LDP2. It has been suggested in submissions that A977 mitigation measures are now accommodated through the PKC budgetary process but you will know from my opening paragraphs they cannot all be met. I would also challenge the assertion that no affordable housing is required in the rural villages; only housing for the Edinburgh market is being built in our area. It has also been suggested that a full-size football pitch should be provided on site; I would point out that we already have an under-utilised one at Waulkmill, connected by footpath to the village hall, funded through community endeavour at considerable cost. The Chair of the Village Hall Committee has confirmed to me that no such requirement is sought, neither is it justified!

I have noted a suggestion that the southern boundary of the settlement at this locus should continue to be the line of the old railway and I agree with this suggestion.

In any event, any development at this locus will still be subject to planning approval and may not occur at all unless the drainage issues on the site, manifest recently, are properly addressed.

I note reference in the settlement summary to the former fish farm brownfield site, which has long been supported by the Strategy Group. I would be content for either holiday accommodation or housing to be provided on this site, although the comment regarding roadside development appears to ignore the existence of the Devon Lade at the roadside here.

**Powmill**

I see merit in the Plan’s suggestion of design-based workshops for the community to build upon the masterplan concept rejected by the Reporter at LDP1 stage. I think the settlement boundary would be much improved if the Strategy Group’s settlement map was further explored during these workshops. I have noted concerns about the range of housing presented for H53 and suggest it is on the high side, the amenity of neighbouring Mill Gardens should be recognised; also there is no requirement for A977 mitigation measures to be addressed through contributions, which I suggest is an oversight (see newsletter article above mentioned), It was always thought that development in Powmill should encompass proposals to improve the A977/A823 junction and they could easily be costed.

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**Rumbling Bridge**

I support E24 and the amendment to the settlement boundary to include open space on the former area of village setting to the north, this is a much better boundary than LDP1 and will allow further discussions within the community on possible benefits such as footpath and parking improvements etc, to enhance access to the gorge.

**GLENFARG**

Would the settlement boundary prohibit an Employment site?

**KINROSS & MILNATHORT**

I have concerns about the current level of housing growth here, in particular sharing Councillor Robertson’s view on the apparent disregard of planning conditions on the Kinross High School and Lathro Farm sites.

Is a community masterplan approach facilitated by LDP2?

I have noted a number of objections relating to the H49 Pacehill site in Milnathort but understood this site has already received planning permission, against my wishes, for I believe it is over-development.

**PORTMOAK**

I am content with the settlement boundaries in this Community Council area, however in **Kinnesswood** I would like to see a successful outcome to the Community Council’s dialogue with the landowner, in order that Stephen’s field can be acquired for community use.

I apologise for the length of this submission but hope you find it of assistance in finalising the Proposed Plan for PKC and Scottish Government scrutiny. Please let me know if you require further background information to support my comments.

Yours sincerely



Cllr Michael Barnacle

Independent Member for Kinross-shire

Circulation List:

Councillor Willie Robertson

Councillor Richard Watters

Councillor Callum Purves

Cleish and Blairadam CC

Fossoway CC

Glenfarg CC

Kinross CC

Milnathort CC

Portmoak CC

Councillor Ian Campbell, Leader of Partnership Administration

Councillor Murray Lyle, Convener of Planning and Development Management Committee

Councillor Colin Stewart, Convener Environment & Infrastructure Committee

Background Correspondence:

MB’s letter to Forward Planning 14/7 and 31/8/17 on LDP2

KCT’s letter of 25/1/18 to LDP team

MB’s letter of 31/8/17 re Renewable Energy Supplementary Guidance and Enclosures

Fossoway Strategy Group Maps

MB’s Kinross Newsletter article on A977 mitigation and LDP2 (Feb 18)

MB’s email of 4/8/15 to Peter Marshall

MB’s letter to residents 3/11/17

Cleish and Blairadam CC’s letter of 31/1/18 to LDP team.