Councillor Mike Barnacle address to the Full Council of Wednesday 25 September on LDP2

Just prior to the LDP2 briefing session I attended on the 8 August, I had queried why we were having them when it’s clear from paragraphs 2.5-2.7 that we are directed to accept the Examination Report, however flawed we may feel the conclusions.  I find it astonishing that one cannot challenge the unelected reporters unit regarding what one may regard as a flawed assessment, based on incomplete evidence and only have recourse back to PKC for blind acceptance.  This is a clear “democratic deficit” in the current planning system, sanctioned by the government, which should be challenged at MSP level.

I am advised by legal services that moving amendments may not be competent but I take real issue with the key findings and modifications in the examination report on 3 matters, noting that all has been decided on the basis of written submissions, unaccompanied site inspections and no enquiry or public hearing.

1              Policy 1d Place Making (Paras 2.15 – 2.17)

The Member Officer Working Group that looked at LDP2 issues decided that a capacity range for house zonings was more appropriate than the LDP1 approach, which simply stated a site number.  Since there have been a number of PKC planning recommendations approving site applications in excess of the LDP1 figures in recent times, I was content that the capacity range approach was more flexible but also gave communities some certainty as to the upper parameters of development.  I regard the upper figures of the range as something that would have addressed this but the Reporter regards it as inappropriate and has taken the representations from the development sector as ‘indicative only’.  This is a worse position than before and a ‘development charter’ which I am totally opposed to.

2            Secondly I find no reference to my representations on policy ER5 which is Prime Agricultural Land.

This policy is not strong enough and there has been significant failure to protect such finite land for food production from development, both in PKC and elsewhere, contrary to National Planning policy.  When we have an increasing population, this is short sighted!  Hopefully, the National Planning Framework 4 on rural issues may address this.

1. Kinross-shire area - removal of sight MU266 in Crook of Devon (Paras 2.53 & 2.54)

The reporters assessment acknowledges the existence of services in Crook of Devon but maintains there is significant local opposition to the allocation of the site and the historical context.  My evidence file would dispute this assessment and I would wonder why 4 local members who supported its inclusion would have done so if such opposition was ‘manifest’.  The separation between Drum and Crook of Devon referred no longer exists, having been compromised by PKC planning when they sanctioned the Crook Moss Gypsy Traveller site in October 2013 (I have 5 aerial photos of the site showing 8 potential pitches marked when only 5 are consented and conditions relating to drainage on a site within the Loch Leven catchment of questionable compliance).  This site was approved against the overwhelming opposition of the community and local members with no reference at any time to the landscape consultants assessment of the area.  This consultants assessment covered both MU266 and the location of Crook Moss.  The Fossoway Community Strategy Group, which included myself, changed their position in August 2015 regarding the land being suitable for development following PKC’s appalling decision to sanction the Crook Moss site.  The Reporter ignores all this evidence in their assessment and for me the greatest prominence at the eastern gateway to Crook of Devon is the Crook Moss ‘eyesore’ sanctioned by PKC but ignored at site inspection.

The reporter cites MU74 at Blairingone by comparison to MU266 but I would argue that sustainable planning would justify MU266 as more appropriate now for development.  Blairingone has ‘no services’ following the recent PKC decision to close its school (the only community building that remained) with PKC forward planning constantly negative about development interest.  Despite this, the Reporter favours development here rather than at Crook of Devon, and illogical position.

As regards the A977 mitigation measures currently planned, it is a stated fact that the available PKC budget for these does not meet the total capital cost assessed as desirable, so the clear possibility of a contribution from site MU266 is discounted incorrectly.

The generous affordable housing element of the site at 50% is a written guarantee and I think there is no possibility of securing same at the alternative smaller sites suggested.

I note that PKC Strategic Housing Investment Plan to 2024/25 contains no provision for affordable housing in the rural villages of Kinross-shire!

For these reasons, I fundamentally disagree with the Reporters conclusions, based on incomplete evidence, regarding the assessment as an ‘opportunity lost’ for the community.

I did mention at the briefing, landscape policies but I have made a submission on supplementary guidance on the 12.09.19 and have received an assurance that consideration will be given to my request for a review of designations for Kinross-shire as part of that consultation.

In summary, I would like my dissent recorded on adopting LDP2 in relation to the three matters I have outlined.