

Freedom of Information Request from the Scone and Community Council remit endorsed Study Group 04/09/2016

Dear Sir/Madam

This is a Freedom of Information request from the Scone and Community Council remit endorsed Study Group regarding the Reporter's decisions surrounding H27, the proposed housing development in North Scone, Perthshire. To better enable you to source the exact information we require we set the scene below (Quotes from documents and references in *italics*)::

- In 2007 the proposal for a housing development of 700 houses to be built by AJ Stephens on land owned by Mansfield Estates was supported by only 9%-10% of Scone residents (Questionnaire by Perth and Kinross Council (PKC))
- In 2012 PKC approved the development subject to a new Tay Bridge being built (Cross Tay Link Road)
- The Scottish Government Reporter, following an appeal by one of the interested parties, over-turned this, allowing 100 houses to be built now and the remaining 600 when the CTRL is a 'committed project' ie before the Bridge is built. There was no public consultation on this change
- In 2014 in their *Examination of the Local Development plan* the Scottish Government Reporter (p469) stated *'The engagement associated with production of the LDP has been more positive and the opposition appears to have reduced'* – Did the Council tell the Reporter where they got this information - is there evidence supporting this statement?

We request through the Freedom of information Act 2000 all notes, letters, documents relating to this decision to CHANGE the proposal from after the Bridge is built to 100 houses now and 600 when the bridge is a committed project. Further we request all correspondence, notes, documents submitted by the appellant to the Reporter, and all correspondence, notes and documents submitted by Perth and Kinross Council to the Reporter surrounding this change in the planning permissions.

Further we ask for explanations and information about decision making by the Reporter as below

1. *Whilst results indicated that there was widespread opposition to the proposal, no clear ideas emerged about where development should take place (S4_Doc_703). - p468 Local Development Plan (LDP).* Please supply information which states that a village should suggest alternative plans about where development should take place. Further please confirm that the Reporter had access to the information from the meeting of 9th Feb 2009 between Scone and District Community Councillors and the PKC Planning department where alternative sites for housing within brownfield sites in Scone **were** actually proposed.
2. *The engagement associated with production of the LDP has been more positive and while it would be a misrepresentation to indicate that there was widespread support for the proposal the opposition appears to have reduced- p468 Local Development Plan (LDP).* Was the Reporter aware that PKC's evidence for reduced opposition in the Village of Scone was the following apples versus oranges comparison? Planning said there were 920 responses to the original questionnaire in 2007 of which 73% were opposed (wrong it was 80% with 10% don't know, 10% in favour). The Planning Dept. comments that there were 39 written

objections to the Proposed Plan stage. The quote is: *'Clearly, this demonstrates that less opposition was made to the proposed plan than at the questionnaire stage. 73% of 920 is 671 negative responses. 39 negative responses at proposed plan is therefore a considerable reduction.'* - Letter to Scone Villager 2016 from PKC Planning Department. Is this the 'evidence' which allowed the Reporter to believe opposition had reduced? If not, what did? For information the majority of the villagers, who mistakenly thought the Council's questionnaire was the way to voice their opinions, are very concerned at this misinterpretation.

A recent questionnaire (1st August 2016, attached along with results) had a convincing response of 48.6% of all householders in Scone responding (n=1191) and 98.6% were overwhelmingly against this development leaving only 15 (1.3%) replies in support ie MORE opposition not less, with many comments of concern about the change from develop when the bridge is built to 100 houses now and 600 when the bridge is a 'commissioned project'.

3. At a recent Rotary meeting last week a representative from PKC attended. One of the attendee says: *'They were non-comittal when it came to my question of when the work would be started/finished but what they did say was that it is not budgeted before 2025.'* Pollution at Bridgend has, for quite a number of years, been above the EU regulation levels for NoX, a major pollutant implicated in causing illhealth and death. Despite an Air Quality Action Plan put in place by PKC the levels at Bridgend have not decreased (LAQM Progress Report 2013, p35; and 2015 Updating and Screening Assessment for PKC, p35, 38, 40). Please confirm that the Reporter was aware of the levels of pollution at Bridgend but despite this agreed for the houses could be built when the bridge would not even be financed until 2025? Please confirm that the Reporter, when making this judgement, was aware of the regulation regarding increasing pollution in areas already above regulatory levels (Air Quality Directive 2008/50/EC). We refer the Reporter to the opinion of QC Robert McCracken. We quote the Synopsis of his judgement (http://cleanair.london/wp-content/uploads/CAL-322-Robert-McCracken-QC-opinion-for-CAL_Air-Quality-Directive-and-Planning_Published-051015.pdf):

1. Because of the admitted, serious, and ongoing breaches by the UK of the limit values of the Air Quality Directive 2008/50/EC planning authorities have a duty in their decision making to seek to achieve compliance with the Directive's limit values.

2. Where a development would cause a breach in the locality 1 of the development they must refuse permission.

3. Where a development would in the locality 2 either make significantly worse an existing breach or significantly delay the achievement of compliance with limit values it must be refused.

4. A 2001 joint report by SNH and PKC (Perth Landscape Capacity Study Report No. F99LH24A) said further development in this area was inappropriate. In the draft LDP in 2004 this area was Greenfield, in the 2015 LDP this became brownfield. Rare fauna eg pine martins/red squirrels/bats etc and flora eg old Caledonian forest are about to be destroyed. (The same red squirrels that the Scottish Government gave a grant of £18k to Lord Mansfield). Why did the Reporter permit this development in the light of this report? Please comment on the fact

that without this development the 2028 government housing target will be met yet the Reporter is allowing this development before the CTRL is built (LDP).

5. Our MAIN issue is with the Development's TIMING relating to the CTRL. Please give a detailed explanation of the Reporter's knowledge about a definite source of funding for the road to the Bridge from Scone such that the Reporter was able to make an informed judgement that the bridge would be built in a timeframe compatible with the development (and not more than 10 years later). Where this funding assumes Developer contribution please indicate the Reporter's understanding of which Developers and amount to be received from each, as the Reporter must surely have had some knowledge about funding? Please explain how a single Developer for H29 can afford to contribute what must be many millions, as we believe regulations apply that Developer money must be spent near to the development (see Lord Carloway's judgement, First Division, Court of Session [2016]CSIH 28 XA75/15 in Aberdeen)?
6. As regards flooding and sewage, SEPA rates Scone as '*being of moderate risk of ground water flooding*' (*Tay Local Plan District section 2 p128*). The Council recommendation is that no build takes place where the risk is moderate. '*Development proposals should take account of Scottish Planning Policy 7: Planning and Flooding; this policy advocates that any new developments should not materially increase the probability of flooding elsewhere*. Was the Reporter aware of this and what were the Reporter's reasons for supporting the appeal with reference to the flooding risk?

Thank you for taking the time to read this and we look forward to receiving the information soon. As above this FOI request comes from the Scone and Community Council remit endorsed Study Group, but please reply to myself at the address below if the documents are in hard copy or Northscone@outlook.com, the Study Group email address, accessed by all the Study Group, if the documents are electronic. This latter option is preferred.

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