

20 Spoutwells Road,

Scone PH2 6RW

23/11/16

Dear Mr Swinney,

Many thanks for your response consisting of a covering letter with a response from the Council. As you know, the letters you are getting are very similar to those we in the SDCC and Study Group are receiving. We do not find these satisfactory.

We attach the series of letters of questions and responses which we submitted after the questionnaire numbered sequentially 1-5 for your convenience. As you will see many questions still remain not fully answered.

We have appreciated you making enquiries on our behalf, however we now expect that as our representative you will be prepared to ask for action.

In particular:

1. Pollution.

Please find attached our letter to SEPA. As they are responsible for the safety of our environment we have asked them to intervene. As you will see from the evidence presented in our letter these levels are illegal. You will be familiar with the ClientEarth Court case recently. You also have received correspondence from the Council, and which we pointed out to you, that indicates that as the pollution only affects ill or elderly then it is not a big issue (*'Air pollution is likely to contribute a small amount to the deaths of a larger number of exposed individuals, rather than being solely responsible for the number of deaths equivalent to the calculated figure of attributable deaths'*). Further the Council has referred on many occasions to an opinion from the Health Protection Unit (*'As stated in the original letter, due to the complex nature of these studies, it would be beneficial for further advice and information to be sourced through the Health Protection team at NHS Tayside to gain an overview of health protection concerns in relation to air quality issues'*). As we never heard back about this we contacted the Health Protection Unit ourselves and the reply is attached. It closes by saying *'I would support the proposal to seek assurances that no further developments will go ahead before the CTRL is built'*.

- we ask you to make formal representation to the Council to halt this development until the bridge is built on the basis of protecting health. It seems odd that an area that is an AQMA and which has had persistently elevated levels of noxious gasses recorded without any decrease, should be allowed to worsen further by bringing forward a development guaranteed to make this worse, when originally it was planned for after the Bridge was built

- we ask you to inform us who is legally liable for the increase in ill-health caused by this pollution and who will be legally liable for the worsening these levels of noxious gasses. We plan to publicise this so that compensation can be sought by those affected.

2. Process of approval:

Our recent Freedom of Information request to the Reporter has included a communication from the Developer as follows: *'While the Council have formally acknowledged that the use of the word 'constructed' was a typing error (and should have read 'committed') there remains far too much uncertainty over the delivery of the CTRL'*. Further we cannot get a definition from the Council on what Committed means, indeed they have told us that they will discuss this at their December meeting! It would therefore appear that 1. The Council has something in their LDP which they themselves do not understand, and which appears to be the result of a typo! 2. Further the consultation with the village was based on constructed not committed, and no one was informed about this change until it came out in the LDP. We do not believe this HUGELY significant change went through due process, as evinced by the fact the Council

do not themselves even know what the change means. There is no information available as to who changed 'constructed' to 'committed'. Further FOIs will hopefully elucidate this.

- **We ask that you request a focused review of the LDP with reference to H29 based on faulty processes.**

3. Process of appeals:

A freedom of information request to the reporter has indicated the following *'Finally, you may be aware that a local plan policy or - proposal does not of itself authorise any development and any subsequent planning application is a separate matter for Perth and Kinross council to consider. You may wish to contact Perth and Kinross council if you have queries in respect of. the planning application process.'* In the correspondence we have been receiving from the Planning Dept, the phrases relating to the Local Plan have become more strident. Initially on the PKC website Planning page one could read *'Examination reports are largely binding on planning authorities.'* We have recent correspondence from Planning now using the phrase 'legally binding' in correspondence to the Council Chair. We believe Planning have seriously misled the Council Chair. As per the Reporter's letter this is not the case at all. Please note Stirling Council is currently undertaking a focused review of their LDP.

- **We ask you to ask for a focused review of the LDP in relation to H29 based on a Development approved to go ahead when a bridge is committed vs constructed, and that no Council can state the LDP must go ahead as is when even they do not understand what they have written**
- **We ask you to point out to Planning and the Council that the LDP is NOT legally binding, and in fact has been modified in other districts**

Yours Sincerely
Hazel Mackinnon
secretary Scone and District Community Council