

Dear Provost,

Re Council meeting 14th Dec 2016

Scone and District Community Council are writing to you as Chair of the Council meeting which took place on the 14th December 2016. At this meeting the definition of 'committed' was discussed and voted upon by Councillors.

We write to formally request halting the Planning application process for H29 and ask that the Council reconvene following the recent press release whereby the Planning Dept admitted that they changed to words constructed to committed and not the Reporter, as they had previously stated in correspondence to us, to MPs and to villagers. As the two amendments put forward were deemed 'illegal' by your legal advisor who said the Reporter's actions cannot be changed, we now further request that as the two amendments suggested at the Council meeting on the 14th Dec 2016 regarding H29 be brought once more to the Council for voting. It is clear that the Planning representative was either ignorant of the facts or misled the Council and Legal advisor into believing the change was instituted by the Reporter, when clearly this was not the case, as those of us representing SDCC in the audience were fully aware.

To summarise, we had been repeatedly told that the Reporter changed the word CONSTRUCTED to COMMITTED when referring to the start of the H29 development in Scone. We have had been repeatedly told that the Council had to abide by the Reporters ruling. Indeed, the Chair of Council made a telling comment to journalists, published in the press, after the result of our overwhelming questionnaire result against the development before the bridge. In this comment, he indicated that 'these results would hopefully make the Reporter think again', indicating that the Char of Council also believed that this change was the Reporter's (he too had clearly been misled).

A Freedom of Information request had clearly provided evidence that this was not the case. The Council approved the draft LDP in December 2011, when CONSTRUCTED was in the text. In January 2012 the developer and landowner complained about this being too much of a constraint. Mr Jim Irons wrote to them both indication this was an error and should have read COMMITTED.

This is clearly a complete failure of process and we request that the 2 amendments, rejected incorrectly on the basis of an untruth, should be once again put to the Council.

We enclose a copy of the letter from Jim Irons in Jan 2012. You may access the draft LDP in the Agenda of the Dec 2011 Council meeting where you will see 'CTRL must be constructed BEFORE THE HOUSES CAN BE OCCUPIED'. This was what the Council voted on. We also attach the SDCC's letter to Planning in April 2012, THREE MONTHS AFTER this so called 'typo', where the SDCC applaud the house occupation being delayed until the CTRL was constructed, and yet no one told them it had been changed in response to this letter from those with a huge financial interest.

We believe it is odd that a single letter from the landowner/Developer could institute such a major, but not publicly consulted change, but yet when the SDCC write regarding constructed no-one informs them of the change made 3 months earlier. The first any of the public or SDCC knew about this was when it came out in the Adopted LDP. It is clear that Planning changed this word, at the request of self interested parties who will benefit financially from this development, yet did nothing to inform the community who live here and who so strongly oppose this Development before the CTRL is built. We have found not one person who was told by the Council's Planning Dept about this change despite their claim of telling 212 persons. In any event as this is less than even 5% of the Community we again request an investigation into this as a completely unacceptable public consultation.

Further the Legal team advised you that it was not legal to change the LDP. If this is the case then why are there a number of changes to the LDP in the H29 Planning application which apparently were 'agreed by the Planning Dept at scoping meetings'? We all very clearly, in duplicate, heard you indicate that the legal advisor said the LDP cannot be changed, so through this email ask you to investigate the changes to the LDP authorised by Planning. These include a very major issue for us by Planning indicating that an Air Quality assessment is not needed for the whole site. If 100 houses contributes an 'insignificant' amount to already illegal levels of pollution, then by applying for 100 houses 7 times one will always get this result. One could build 7 million houses this way! The LDP indicated that 'We have also specified what developers require to do when designing and delivering development, emphasising the need for masterplans, for all the major sites.' The Masterplan should contain information in air quality, traffic etc for the whole site otherwise it will just be developed in bites of 100. Further, an additional piece of land, not in the LDP is not being incorporated in the Development - "The Proposed Development constitutes a minor departure from the Development Plan, due to a relatively small variation in the planning application boundary at the extreme western part of the site compared to the LDP boundary".

We believe health and lives are being put at risk by the pollution (both at Bridgend and in Scone), and that we have been deliberately misled. We believe the Council is breaking The Community Empowerment (Scotland) Act 2015 that states that consent to buy land for development must be refused if the use or management of the land is such that it results in or causes harm, directly or indirectly, to the environmental wellbeing of a relevant community. "Harm" includes harm the environmental effects of which have an adverse effect on the lives of persons comprising the relevant community. PKC's public health webpage says PKC are responsible for making sure nothing in the environment harms us, we just don't understand how this Development can go ahead before the bridge is built. In many letters Planning have said they will take the advice from NHS Tayside Public Health Unit. The Head of this Unit has written to the Planning Dept saying that the houses should not be built until after the CTRL is in place. Is the Council likely to be sued by their own community when people fall ill? We believe you will feel you have a duty to investigate this possible financial liability to which the Council will open itself by going against informed health advice.

Further we believe the Council will be breaking the pending Scottish Government legislation. Scottish Ministers' Planning System Review Panel Report (a.k.a. Empowering planning to deliver great places) published on 31st May 2016, and endorsed by the Scottish Government in July 2016, advocates an Infrastructure First Approach to Planning and Development. A White Paper is planned to be published in support of the Review Panel Report by the end of Jan 2017. If the Report and the Scottish Government endorsement thereof are law, Infrastructure First must mean no H29 housing can be started until the CTRL is completed and schools, drainage, and sewage (PKC have admitted in a letter that they have no actual plans for drainage in the village), doctors' surgery etc, built in order to service the planned development.

We hope and trust that as Chair of the meeting on the 14th December you will help regain the Council's good name by halting this Planning application until the amendments are studied. We expect the two amendments to be ruled competent and voted upon.

We would appreciate a prompt written response, and the opportunity to meet with you. The unfortunate timing of the Planning application a week before Christmas (some 1323 pages), was added to by the addition of three more documents at close of play on the 23rd. Despite requests there has only been a limited extension granted to the consultation period, and as a result we still have effectively only the same restricted time to look into these huge volumes.

Regards H. Mackinnon
secretary Scone and District Community Council