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Council Building
The Atrium
137 Glover Street
Perth
PH2 0LQ

Wednesday, 04 May 2016

A Meeting of the **Development Management Committee** will be held in the **Gannochy Suite, Dewars Centre, Glover Street, Perth, PH2 0TH** on **Wednesday, 11 May 2016 at 10:00.**

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Councillor Tom Gray (Convener)
Councillor Bob Band (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Ian Campbell
Councillor Dave Cuthbert
Councillor Ann Gaunt
Councillor Joe Giacomazzi
Councillor Callum Gillies
Councillor John Kellas
Councillor Alan Livingstone
Councillor Murray Lyle
Councillor Gordon Walker

Development Management Committee

Wednesday, 11 May 2016

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF DEVELOPMENT MANAGEMENT COMMITTEE OF 13 APRIL 2016 5 - 10**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
 - 5(1)(i) 14/01993/FLM – GLEN ISLA – ERECTION OF A WIND FARM COMPRISING 14 TURBINES (6 WITHIN PERTH AND KINROSS AND 8 WITHIN ANGUS), ACCESS TRACK, BORROW PITS, ANEMOMETER MAST AND ANCILLARY WORKS KNOWN AS SADDLEHILL WINDFARM, LAND AT BLACK HILL, GLEN ISLA 11 - 62**

Report of Handling by Development Quality Manager
(Recommendation - Refuse) (copy herewith 16/95)
 - 5(1)(ii) 15/01112/IPM - PERTH - RESIDENTIAL DEVELOPMENT WITH COMMUNITY FACILITIES, EMPLOYMENT LAND, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (IN PRINCIPLE) ON LAND AT BERTHA PARK TO THE NORTH WEST OF PERTH 63 - 116**

Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/96)
 - 5(1)(iii) 15/01157/IPM - PERTH - RESIDENTIAL DEVELOPMENT TO PROVIDE UP TO 1,500 NEW HOMES, A PRIMARY SCHOOL, COMMUNITY FACILITIES, OPEN SPACE, LANDSCAPING 117 - 176**

**AND ASSOCIATED INFRASTRUCTURE (IN PRINCIPLE) AT
LAND ADJACENT TO HUNTINGTOWERFIELD AND
RUTHVENFIELD, PERTH**

Report of Handling by Development Quality Manager
(Recommendation - Approve) (copy herewith 16/97)

5(2) LOCAL APPLICATIONS

- | | | |
|-----------------|---|----------------------|
| 5(2)(i) | 12/00546/FLL - CROOK OF DEVON - FORMATION OF FIVE PERMANENT GYPSY/TRAVELLERS PITCHES AT CROOKMOSS, CROOK OF DEVON, KINROSS-SHIRE Enforcement Report by Development Quality Manager (copy herewith 16/98) | 177 - 184 |
| 5(2)(ii) | 16/00079/FLL - DONAVOURD - ENGINEERING WORKS TO POND AT LAND TO THE EAST OF THE U165, DONAVOURD Report of Handling by Development Quality Manager (copy herewith 16/99) | 185 - 200 |

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewar's Centre, Perth on Wednesday 13 April 2016 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, R Brock (substituting for Councillor M Barnacle), I Campbell (with the exception of Art. 296(1)(ii)), D Cuthbert, J Giacomazzi, C Gillies, J Kellas, G Laing (substituting for Councillor G Walker) and A Livingstone.

In attendance: N Brian, M Petrie and M Barr (all The Environment Service); G Fogg and Y Oliver (both Corporate and Democratic Services).

Apologies: Councillors M Barnacle, A Gaunt, M Lyle and G Walker.

Councillor T Gray, Convener, Presiding.

292. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

293. DECLARATIONS OF INTEREST

Councillor I Campbell declared a non-financial interest in Art. 296(1)(ii) in terms of the Councillors' Code of Conduct.

294. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 16 March 2016 (Arts 233-237) was submitted, approved as a correct record and authorised for signature.

295. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning application.

Planning Application No.
16/00207/FLL

Art. No.
296(1)(ii)

296. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **16/00158/FLL – INCHTURE – Alterations to outbuilding to form ancillary accommodation at Secret Garden, Kinnaird, Inchture – Report 16/170 – Mrs V Clark**

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. The development hereby approved shall remain within the same ownership as the residential property known as Secret Garden and the use shall be solely for the purposes of ancillary accommodation to Secret Garden. The building shall not be let separately to Secret Garden nor shall it be let as holiday accommodation.
3. Prior to the commencement of development, full details of the proposed wall including scaled elevational drawings shall be submitted to and approved in writing by the Planning Authority. The details as approved in writing shall be implemented as part of the site development to the satisfaction of the Council as Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

- Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

COUNCILLOR I CAMPBELL, HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING APPLICATION, LEFT THE MEETING ROOM AT THIS POINT.

(ii) 16/00207/FLL – ABERFELDY – Erection of a marquee (in retrospect) at Moness House Hotel & Country Club, Aberfeldy – Report 16/171 – Moness Group Ltd

Mr M Reynolds, objector to the application, followed by Mr J McKenzie of Moness Group, on behalf of I MacGregor, agent, addressed the Committee, and, following their representations, withdrew to the public benches.

Motion (Councillors T Gray and J Kellas) – Grant, subject to the following conditions:

1. **Consent is hereby granted for a limited period until 30 April 2018. The use authorised by this permission shall be discontinued prior to the expiry of the period of consent, the development shall be removed and the site reinstated to its former condition to the satisfaction of the Council as Planning Authority.**
2. **All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.**
3. **The delivery of goods to the premises shall take place between 7am to 7pm Mondays to Saturdays and at no other time.**
4. **Amplified and non-amplified music emanating from the Moness marquee shall not exceed 45dB LAeq (t5min) when measured at the boundary of any residential garden between the hours of 07:00 and 23:00.**
5. **All amplified music continuing beyond 23:00 hours should not be audible within the habitable rooms of nearby residences with windows slightly open.**
6. **All amplified music must be directed through the Zone Array speaker system and the Symetrix Solus process limiter as set out in the Direct Acoustics Noise Control Report (16/00207/4).**
7. **The noise management plan (16/00207/5) must be adhered to at all times, with records kept and made available on request to the Planning Authority. Any future amendments should be agreed in writing with the Council as Planning Authority.**

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.**
- 2. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.**
- 3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice will be included for guidance. In accordance with Regulation 41 the notice must be:
Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.**

Amendment (Councillors J Giacobazzi and C Gillies) – Grant, subject to the conditions and informatives as detailed in Report 16/171 but for a period of one year until 30 April 2017 only.

In accordance with Standing Order 44, a roll call vote was taken.

5 members voted for the Amendment as follows:

Councillors B Band, R Brock, D Cuthbert, J Giacobazzi and C Gillies.

5 members voted for the Motion as follows:

Councillors T Gray, H Anderson, J Kellas, A Livingstone and G Laing.

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:
Grant, in accordance with the Motion.

COUNCILLOR I CAMPBELL RETURNED TO THE MEETING ROOM AT THIS POINT.

(2) Proposal of Application Notice (PAN)

(i) 16/0003/PAN – CRIEFF – Residential development on Land at Wester Tomaknock, Crieff (LDP Site H57) – Report 16/172

One of the local Members for Ward 6 – Strathearn, requested that, in addition to the issues identified in the Development Quality Manager's report, consideration be given to the Paths Network.

Perth and Kinross Council
Development Management Committee – 11 May 2016
Report of Handling by Development Quality Manager

Erection of a wind farm comprising 14 turbines (6 within Perth and Kinross and 8 within Angus), access track, borrow pits, anemometer mast and ancillary works known as Saddlehill Windfarm, Land at Black Hill, Glen Isla

Ref. No: 14/01993/FLM

Ward No: 3 - Blairgowrie and Glens

Summary

This report recommends refusal of the application for the erection of six turbines and associated infrastructure, on land within Perth and Kinross Council's administrative area, as the location, prominence, scale and layout of the proposed windfarm would have unacceptable adverse landscape impacts. Including cumulative landscape impacts on the immediate landscape character as well as the wider landscape setting and the Highland Boundary Fault. Additionally the windfarm has significant and unacceptable visual impacts, including cumulative landscape impacts on residential, recreational and tourist receptors. In light of the above and the adverse impact on the setting of scheduled ancient monuments it is considered that the magnitude of the adverse effects associated with the development are significant and environmentally unacceptable.

The proposal is not considered to comply with the overriding thrust of the development plan and there are no material considerations of sufficient weight which would justify departing from the development plan. Accordingly the application should be refused.

It should be noted that Angus Council has refused the application for the eight turbines within their administrative Area.

PROPOSAL

- 1 The windfarm application site straddles the administrative boundaries of Perth and Kinross Council and Angus Council. The site is located 10 km to the north of Blairgowrie, approximately 8km to the north west of Alyth and around 6.5km to the north east of Bridge of Cally. The site is approximately 456 hectares in area. To the west of the site is the operational Drumderg windfarm. The consented Tullymurdoch windfarm is located to the south of the site.
- 2 The proposal involves the erection of fourteen turbines between 330m and 430m AOD. The turbines would be on hubs of 70m with 90m diameter rotors giving a maximum blade tip height of 115 m, each turbine would have a crane hardstanding adjacent to the turbine base. The developer has confirmed that a transformer will either be located in the turbine or directly adjacent to the turbine base (it should be noted that the latter is not included in the visualisations). Eight of the proposed turbines are located within Angus on the

open hillside of Black Hill along with an anemometer mast. The remaining six turbines are located in Perth and Kinross in an area that predominantly consists of coniferous plantation.

- 3 Access to the site will be gained from the U388 in Angus where a new junction would be formed. In total there would be 12.9km of track required to facilitate the windfarm development. To accommodate windfarm traffic the existing access tracks, 2.5km in total, would be upgraded. A further 10.4km of new access track would be formed to access the turbine bases. Two borrow pits would be formed to win material (both located in Angus). Underground cables would connect the turbines to the electrical control building which would also be located in Angus.
- 4 The applicant has advised that the exact connection point can only be confirmed by the local distribution operator once a planning consent for the windfarm is secured. However Coupar Angus is prescribed as the likely grid connection point for the scheme and an indicative grid connection route is detailed in the ES. The applicant notes that the connection would likely be aboveground on wooden poles. A separate consenting process is involved if an above ground connection is pursued.
- 5 The development is expected to have an operational life span of twenty-five years. Construction would take approximately twelve months with decommissioning taking a further twelve months. The maximum combined output of the turbines is dependent on the turbine however the applicant has confirmed that the generating capacity of each turbine would be up to 2.5 megawatts (MW). This would result in the development having a total potential generating capacity of up to 35MW.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects, to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 The Environmental Statement supports the planning application and is a key part of the submission.
- 9 Supplementary Environmental Information (SEI) was submitted in May 2015 and January 2016 covering windfarm noise, construction noise and forestry.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

10 In addition to the Environmental Statement the applicant has also submitted the following documents in support of the application.

- Planning Statement
- Design Statement
- Pre-application Consultation Report

Planning Statement

11 The Planning Statement considers the proposal in the context of the Development Plan framework and other material considerations including national policy and guidance and local guidance. It concludes, in the developer's view, that the development draws significant support from NPF3 and the presumption in favour of development that supports sustainable development, as introduced by SPP, is fully engaged. The developer also considers the scheme accords with the development plans when they are read as a whole.

Design Statement

12 The Design Statement highlights that the developer identified a number of sensitivities through the design process and they have been avoided in the iterative design process as far as possible, with mitigation or enhancement proposed in the ES. It should be noted that landscape and visual considerations are predominantly considered in Chapter 8 Landscape and Visual of the ES.

Pre-application Consultation Report

13 Under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 this proposal is defined as a Major application due to the electricity generating capacity of the thirteen turbine proposal exceeding 20 MW. This means there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.

14 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY AND GUIDANCE

15 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy 2014 (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 16 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 17 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans.
- the design of development, from initial concept through to delivery.
- the determination of planning applications and appeals.

- 18 Of relevance to this application are,

- 19 A successful Sustainable Place

- Paragraphs 74 – 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 135 – 151 Valuing the Historic Environment

- 20 A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

- 21 A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 242 – 248 Promoting Responsible Extraction of Resources
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

Planning Advice Notes

22 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

Onshore wind turbines – Online Renewables Advice December 2013

23 Provides specific topic guidance to Planning Authorities from Scottish Government.

24 The topic guidance includes encouragement to planning authorities to:

- Development spatial strategies for wind farms.
- Ensure that Development Plan Policy provides clear guidance for design, location, impacts on scale and character of landscape; and the assessment of cumulative effects.
- The involvement of key consultees including SNH in the application determination process.
- Direct the decision maker to published best practice guidance from SNH in relation to visual assessment, siting and design and cumulative impacts.

25 In relation to any assessment of cumulative impacts it is advised that:

In areas approaching their carrying capacity the assessment of cumulative effects is likely to become more pertinent in considering new wind turbines,

either as stand-alone groups or extensions to existing wind farms. In other cases, where proposals are being considered in more remote places, the threshold of cumulative impacts is likely to be lower, although there may be other planning considerations.

In assessing cumulative landscape and visual impacts, the scale and pattern of the turbines plus the tracks, power lines and ancillary development will be relevant considerations. It will also be necessary to consider the significance of the landscape and the views, proximity and inter-visibility and the sensitivity of visual receptors.

DEVELOPMENT PLAN

- 26 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Perth and Kinross Local Plan 2014.

TAYplan Strategic Development Plan 2012

- 27 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Policy 2: Shaping Better Quality Places

- 28 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan’s Assets

- 29 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 30 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Perth and Kinross Local Development Plan 2014

- 31 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 32 The relevant policies are, in summary:

Policy PM1A - Placemaking

- 33 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 34 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 35 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 36 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED3 - Rural Business and Diversification

- 37 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy TA1A - Transport Standards and Accessibility Requirements

- 38 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 39 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF2 - Public Access

- 40 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1A - Scheduled Monuments

- 41 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 42 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 43 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 44 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 45 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no

alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 46 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE1C - Local Designations

- 47 Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance.

Policy NE2A - Forestry, Woodland and Trees

- 48 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 49 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 50 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 51 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER1A - Renewable and Low Carbon Energy Generation

- 52 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with

the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

Policy ER1B – Extensions of Existing Facilities

- 53 Proposals for the extension of existing renewable energy facilities will be assessed against the same factors and material considerations as apply to proposals for new facilities.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 54 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 55 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3C - Water, Environment and Drainage

- 56 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

- 57 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 58 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

Perth & Kinross Wind Energy Policy & Guidelines (WEPG) 2005

- 59 This supplementary planning guidance was approved by Perth & Kinross Council in 18th May 2005. As Members are aware, the Council undertook

extensive public consultation on its Wind Energy Policy and Guidelines and was approved by the Council in May of 2005.

- 60 The Council recognises that following the publication of the Scottish Planning Policy, it is necessary to revisit and refine the precise wording of its supplementary planning guidance on wind energy, to ensure that it provides the most up-to-date and helpful guidance for both developers and the Council in its consideration of planning applications for wind energy developments. I therefore consider that although the presence of this document should be noted, its weighting in the determination of this planning application should be limited. This takes account of the Council's experience in using the WEPG since 2005 and the findings of Ms McNair (reporter) in relation to the Abercairny wind farm proposal.
- 61 In this particular case the site is located within a 'Broad Area of Search' in the Council's WEPG, where Community and Commercial wind farms will be supported where they are consistent with the Council's detailed Policy Guidelines.
- 62 Perth and Kinross Council's Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development, for inclusion in Planning Applications and Environmental Statements. This provides advice on the selection and identification of viewpoints, photography standards and photomontage standards.

Tayside Landscape Character Assessment (TLCA)

- 63 The Tayside Landscape Character Assessment (TLCA), 1999, is published by Scottish Natural Heritage and remains a valid baseline resource. Whilst some of its guidance on wind energy is dated, owing to the much smaller size of turbines considered in the TLCA, other aspects of the study remain a useful resource.

The David Tyldesley and Associates – Landscape Study to Inform Planning for Wind Energy (2010)

- 64 This documents purpose is to inform the development of the 'spatial strategy for Wind' which will be subject to consultation and ultimately approval by the Council as supplementary guidance. The need for the preparation of this Supplementary Guidance is detailed in the Local Development Plan under the heading 'Guidance to be published later' in Appendix 1: List of Supplementary Guidance.
- 65 At the outset, the author of the Study, states that the document should not be used in the determination of individual planning applications. i.e. this study will provide only one 'layer' of information to inform that work. Although this document will form part of a strategic planning framework and the report should not be used in isolation, or to 'test' proposed wind farm developments, there are elements of the study which are useful in the consideration of the application but the weighting that can be attached to this technical report is limited.

- 66 The process of determining the methodology in this document was agreed through a steering group and consultation with landscape consultants. The results of that consultation can be found in Appendix A of Appendix C of the document.

Perth and Kinross Local Landscape Areas

- 67 This supplementary guidance has been prepared to support LDP Policy ER6 *"Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes"*. Publication on the documentation ran for a period of 8 weeks from 28 November until 19 January 2015. Comments received through the consultation process were analysed and the Council's response and amended draft guidance document were on 25 March 2015 at the Enterprise and Infrastructure Committee. The Supplementary Guidance was submitted to the Scottish Ministers and approved on the 17th of June 2015.

The Economic Impacts of Wind Farms on Scottish Tourism (2008)

- 68 Glasgow Caledonian University was commissioned in June 2007 to assess whether Government priorities for wind farms in Scotland are likely to have an economic impact – either positive or negative – on Scottish tourism. The objectives of the study were to:
- Discuss the experiences of other countries with similar characteristics.
 - Quantify the size of any local or national impacts in terms of jobs and income.
 - Inform tourism, renewables and planning policy.
- 69 The overall conclusion of this research is that the Scottish Government should be able to meet commitments to generate at least 50 per cent of Scotland's electricity from renewable sources by 2020 with minimal impact on the tourism industry's ambition to grow revenues by over £2 billion in real terms in the 10 years to 2015.
- 70 Four parts of Scotland were chosen as case-study areas and the local effects were also found to be small compared to the growth in tourism revenues required to meet the Government's target. The largest local effect was estimated for 'Stirling, Perth and Kinross', where the forecasted impact on tourism would mean that Gross Value Added in these two economies would be £6.3 million lower in 2015 than it would have been in the absence of any wind farms (at 2007 prices). The majority of this activity is expected to be displaced to other areas of Scotland, and the local effect on tourism should be considered alongside other local impacts of the developments – such as any jobs created in the wind power industry itself. This is equivalent to saying that tourism revenues will support between 30 and 339 jobs fewer in these economies in 2015 than they would have in the absence of all the wind farms required to meet the current renewables obligation. Part of this adjustment will already have taken place.

- 71 The research concluded that the evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the tourist industry than a large number of small farms scattered throughout Scotland. However, the evidence, not only in this research but also in research by Moran, commissioned by the Scottish Government, is that landscape has a measurable value that is reduced by the introduction of a wind farm.
- 72 Based on survey responses and research findings, the research in this report suggests that from a tourism perspective:
- Having a number of wind farms in sight at any point in time is undesirable from the point of view of the tourism industry.
 - The loss of value when moving from medium to large developments is not as great as the initial loss. It is the basic intrusion into the landscape that generates the loss.
- 73 These suggest that to minimise negative tourist impact, very large single developments are preferable to a number of smaller developments, particularly when they occur in the same general area.

Scottish Natural Heritage – Siting and Designing Windfarms in the Landscape 2014

- 74 Guides windfarms towards those landscapes best able to accommodate them and advises on how windfarms can be designed to best relate to their setting and minimise landscape and visual impacts.

Scottish Natural Heritage – Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012

- 75 This document sets out methods to be used to assess cumulative impacts on landscapes and birds.

Scottish Natural Heritage – Visual Representation of Windfarms December 2014

- 76 This document sets out guidance in producing visual representations of windfarms. It builds on experience gained since the first publication of the document in 2006 on how to represent proposed windfarm developments in a more accessible and realistic way.

SITE HISTORY

- 77 Members will be aware that there is considerable pressure for windfarms in this locale. There are a number of operational and approved windfarms in the vicinity of the application along with others under considerations. The key sites are as follows:-

- Drumderg (operational) 16 turbine scheme at 107metres to tip.
- Welton of Creuchies (consented) 4 turbine scheme 99 metres to tip.
- Tullymurdoch (consented) 7 turbine scheme 120 metres to tip, 80m rotor.
- Tullymurdoch (revised turbine dimensions) 7 turbine scheme 115 to tip, 92.5 m rotor, challenge with Court of Session.
- Corb (consented) single turbine scheme 84 metre to tip.
- Dulater (S36 application under consideration) 17 turbine scheme 125 metres to tip.
- Macritch (S36 application under consideration) 18 turbine scheme 125 metres to tip.
- Greenburn (under consideration) 11 turbine scheme 126.5 metres to tip.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 78 Initially objected to the application unless clarification was provided on peat depth close to turbine 13 and the groundwater dependency of Habitat 17 Groundwater Dependent Terrestrial Ecosystem (GWTDE).
- 79 Following clarification SEPA confirm that if the scheme is made subject to conditional control then no objection is offered. Conditional control is required to secure an environmental management plan, a pollution prevention plan as well as micro-siting around wetland ecology including groundwater dependent terrestrial ecosystems (GWDTEs).

Scottish Natural Heritage (SNH)

- 80 Has commented on the relationship of the development with the River Tay Special Area of Conservation (SAC). They advise that the scheme could be progressed with appropriate mitigation. They object unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in their appraisal.
- 81 In their view it is unlikely that the proposal will have any significant effect on any qualifying interests either directly or indirectly on the Dun Moss and Forest of Alyth Special Area of Conservtaion, the Forest of Clunie Special Protection Area or the Loch of Lintrathen and Loch of Kinnordy Special Protection Area and Sites of Special Scientific Interest. They do h9owever recommend the implementation of mitigation measures for a range of habitats and species that can be controlled by condition.

- 82 With regards to landscape and visual impacts they advise the proposal would create a confusing pattern of wind farm development on the Highland boundary fault, which is not a good fit with the existing Drumderg and consented Tullymurdoch wind farms. It would also result in significant adverse cumulative landscape and visual impacts upon, landscape character, views and recreational amenity of walkers on the hills and mountains along and to the north of the Highland boundary, including the Cateran trail and views and visual amenity of residents and visitors in Glen Isla, Strathmore and the Sidlaws.

Historic Environment Scotland (HES)

- 83 No objection but they do recommend the removal or re-siting of turbines T2/3 and T13/14.
- 84 They consider the development is likely to have adverse impacts to varying degrees on the setting of a number of scheduled monuments in its vicinity, on the basis of the information provided and site visits. They have reached the conclusion for each asset the effect is not so adverse as to raise such issues of national significance that they would object.
- 85 However, they do recommend that the design layout is re-evaluated as the magnitude of impact is high and there will be a significant impact upon the setting of:
- *Redlatches, settlement and field system 1900m SSE of (index no. 4640)*
 - *Redlatches, settlement and field system 1900m S of (index no. 4673)*
 - *Craighead, settlement and field system 900m N of (index no. 5581).*

Transport Scotland

- 86 No objection is offered subject to conditional control being applied to minimise adverse impacts on road users.

Royal Society for the Protection of Birds

- 87 Do not object to the application but raise concerns on the potential impact on ornithology. They recommend that conditions are put in place to secure a habitat management plan for the site (particularly for the newly clear felled are in Perth and Kinross) and post construction monitoring targeted on specific species to understand the effects of the forestry removal.

Forestry Commission Scotland (FCS)

- 88 Initially objected to the application and noted that a technical paper was required to address their concerns relating to forestry. Updated Supplementary Environmental Information and further clarification removed the FCS objection if conditional control was applied to safeguard areas of woodland on site and to provide for re-stocking.

Scottish Water

- 89 No comments received.

Ministry of Defence

- 90 No objection is offered subject to conditional control.

Dundee Airport

- 91 No objection

National Air Traffic Control Scotland (NATS)

- 92 No safeguarding objection to the application.

Cairngorms National Park Authority (CNPA)

- 93 No objections to the proposed development. CNPA Planning Committee did however wish to highlight their concern regarding the encircling of the Cairngorms National Park by wind farm development.

Blairgowrie and Rattary Community Council

- 94 Objects. Considers that the cumulative effect along with Drumderg and Tullymurdoch windfarms already approved, will be detrimental to the landscape character, visual integrity and residential amenity contrary to PKC Policy ER1A. Additionally the Community Council is of the view that the proposal is contrary to PKC Policy ER6 (a)(b)(c)(d) as the proposal neither maintains or enhances the landscape qualities of Perth and Kinross, especially when considered cumulatively with the existing approved and proposed windfarms nearby.

Luncarty, Redgorton and Moneydie Community Council

- 95 Objects. While the community council is generally supportive of the Government's commitments to increase production from renewable energy resources, they note it is essential that the planning process protects unique and sensitive landscapes and that the cumulative impact of windfarms is minimised.
- 96 The Community Council is of the view the proposal would have a significant landscape and cumulative intrusive visual impact which could in turn negatively impact on the recreational and tourism desirability of the Glen Isla area in particular. They are increasingly concerned about the proliferation and continued proposals to expand large scale windfarms across the county with continued expansion having a negative visual impact on Perthshire's unique highland landscape. Their objection also raises concerns with impact on recreational assets, tourist related businesses and the impact on ecology.

Perth and Kinross Heritage Trust

- 97 Agree with the objectives and methodology set out in chapter 9 of the Environmental Statement. They are content with the assessment that has been carried out but consider that conditional control is required to secure protective fencing for Whin Craigie sheiling hut.

INTERNAL

Perth and Kinross Access Officer

- 98 No objection subject to conditional control to manage public access rights.

Perth and Kinross Flooding Section

- 99 No objection.

Perth and Kinross Bio Diversity Officer

- 100 No objection

Environmental Health (including Dick Bowdler Acoustic Consultant)

- 101 Environmental Health has commented in the context of construction noise, shadow flicker and the protection of private water supplies.
- 102 In respect of shadow flicker they advise that properties within a 10 rotor diameter need to be considered, as no properties fall within this distance they do not foresee issues with shadow flicker.
- 103 Conditional control can regulate potential effects on private water supplies.
- 104 Construction noise would be within acceptable levels according to the information submitted but should issues arise this matter can be pursued under Environmental Health's legislation.
- 105 With regards to operational noise, Dick Bowdler Acoustic Consultant was requested to review the environmental statement and the Supplementary Environmental Information (SEI) submitted by the applicant. His response confirms that cumulative noise level from the various wind turbine developments at the most affected properties here will be significant. Whilst it might in theory be possible to operate Saddle Hill without breaching the cumulative limits, the noise from Drumderg and Tullymurdoch alone will be on the limits at some properties in some conditions without the addition of Saddle Hill. To stay within the limits Saddle Hill will have to apply significant mitigation at various times under a range of common wind conditions.

Representations

106 The application has attracted a number of representations both for and against the proposals.

Support

107 123 letters of support have been received raising the following issues:

- Contributes to renewable energy targets
- Tackles climate change/reduced greenhouse gas emissions
- There is a community benefits package.
- Electricity is renewable, cheaper electricity bills in the long-term.
- There will be business and employment opportunities associated with the windfarm.
- Any traffic disruption is considered acceptable

Objections

108 378 letters of objection have been received raising the following issues:

- Unacceptable design, out of scale, impact on landscape character, Cairngorms, wild land and Glen Isla.
- Visual impact on communities, residents road users, visitors, recreational users (Cateran trail and munros).
- Cumulative landscape and visual impacts
- Concerns with the residential survey
- Impact on ecology/protected species (construction and operation)
- Concerns regarding ornithology surveys
- Noise and health issues
- Shadowflicker, sunlight/daylight.
- Woodland/tree loss
- Flooding
- Health and safety/ ice throw/ turbine safety.
- Historic site (archaeology cultural heritage)
- Impact on peatland
- Impact on water supply
- Contrary to development plans/policy

- Road safety and traffic impact
- Impact on designated sites. SSSI/SPA/SAC
- Concerns with grid connection location
- Decommissioning and decommissioning bonds
- Concerns regarding new access track, road and bridge widening
- Adverse impact on economy and existing businesses (tourist/rural economy)
- Concerns with MOD lighting.
- Publicity of application

109 The above matters are addressed in the Appraisal section of this report. However the following elements are best addressed at this stage under the following headings:-

- Viability/subsidies are born by tax payers - the impact this proposal may have on tax payers falls out with the remit of this planning assessment.
- Property values - it should be noted that the potential loss in property value falls outwith the remit of this assessment
- Efficiency of turbines questioned and no site specific wind data - a number of representations express concern at the support given through planning policy and Government Planning Guidance to the use of wind technology contending that it offers broad support to an inefficient technology which relies on the extensive use of natural resources through the production and construction process and relies on extensive public subsidy whilst delivering minimal climate change benefits.

110 Whilst these concerns are noted it must be acknowledged that Planning Policy does provide support for appropriately sited and designed wind farm development. In those locations where landscape and visual concerns are raised it will be appropriate for any decision maker to have regard to the amount of energy contribution to be delivered by a proposal and the extent to which that will contribute to Scottish Government commitment to generating an equivalent of 100% of electricity demand from renewable sources by 2020.

ADDITIONAL STATEMENTS

| | |
|--|---|
| Environment Statement | Submitted |
| Screening Opinion | Environmental Statement submitted. |
| Environmental Impact Assessment | Yes |
| Appropriate Assessment | Not undertaken following guidance from Scottish Natural Heritage. |
| Design Statement / Design and Access Statement | Submitted |
| Report on Impact or Potential Impact | Incorporated into Environmental Statement. |

APPRAISAL

- 111 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by section 2 of the Planning etc (Scotland) Act 2006, decrees that planning decisions are required to be made in accordance with the Development Plan unless material considerations indicate otherwise. Thus it is necessary to establish whether the proposal accords with the development plan and whether any material consideration indicates that the decision should not accord with the plan. The development plan for the area within which the application site lies consists of TAYplan 2012 and the LDP.
- 112 Tayplan provides the general strategic planning context for the area in order to inform the preparation of individual local development plans. This includes providing the vision and general planning objectives. In relation to renewable energy proposals, the general objective is that provision should be made in an environmentally acceptable manner. However, Tayplan does not include detailed guidance that is directly relevant for the assessment of an individual wind farm proposal.
- 113 With regards to the adopted LDP, Policy ER1 is of particular importance as it relates to renewable energy generation. The criterion contained within this policy forms the main basis for the determination of the application. Policy ER 1A addresses new proposals. Policy ER 1B relates to extensions of existing facilities. It should be noted that Policy ER 1B cross refers to the same assessment criteria as Policy ER1A.
- 114 Policy ER 1A supports renewable energy proposals subject to considering a range of factors including biodiversity, landscape character, visual integrity, wildness qualities, transport implications and the impact upon tourism which is in line with Scottish Government planning policy and the planning objectives of Tayplan.
- 115 There are numerous other individual plan policies that are applicable in the determination of the application as detailed in the policy section. It should be noted that a degree of overlap and duplication occurs, however Policy NE1 - Environment and conservation, Policy NE 3 - Biodiversity and Policy ER 6 -

Managing future landscape are of relevance in the determination of this application.

- 116 Although the policy position is generally supportive of renewable energy schemes this is subject to a number of criteria being satisfied, renewable energy schemes may meet some environmental requirements and not others therefore an overall judgement has to be made on the weight to be given to the 'positives' and 'negatives' which will determine whether it is environmentally acceptable. Any significant adverse effects on local environmental quality must be outweighed by the proposals energy contribution. These factors are considered in the assessment that follows.

Natural Heritage

- 117 The LDP contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. NE1A relates to International Nature Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Bio-diversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

International Nature Conservation Sites and National Designations

- 118 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest.

The River Tay Special Area of Conservation (SAC):-

- 119 The development site is approximately 5km upstream of the boundary of the River Tay SAC. The proposal lies within the River Isla catchment which is a tributary to the Tay and consequently connected to the SAC. The ES identifies the features for which the River Tay SAC is classified, namely Atlantic Salmon, Otter, River Brook and Sea Lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels. The main impact on the qualifying features that are present (Salmon and Lamprey) is the potential release of sediments or chemical run-off into the water courses that are connected to the SAC.
- 120 SNH disagree with the conclusions of the ES and advise that they are of the view that the proposal is likely to have a significant effect on the qualifying interests of the site due to the potential for an increase in sediment runoff and pollution during the construction phase of this proposal. However they have advised that if the proposal is undertaken strictly in accordance mitigation measures then the potential significant effect on the qualifying interests of this designation can be avoided. They advise a detailed site Environmental Management Plan (EMP) and specific Construction Method Statements (CMS)

as outlined in Chapter 2 Sections 2.4.2 - 2.4.5 should be produced and agreed with the Councils and SEPA prior to work commencing on site. The EMP and CMS should seek to minimise pollution and sedimentation in the water environment and should include the initial site clearfell period.

Dun Moss and Forest of Alyth Mires Special Area of Conservation (SAC) and Sites of Special Scientific Interest (SSSIs):-

- 121 These designations are rare examples of internationally important upland raised bogs. The wind farm lies downstream of the wetland areas so the risk of pollution or sediment runoff entering the SAC is minimised. The wind farm lies downstream of the wetland areas so the risk of pollution or sediment runoff entering the SAC is minimised. The ES concludes that there are unlikely to be any impacts to the SAC. SNH agree with this stance having regard to the distance from the turbines and the lack of a pathway for ground water to enter the mires.

Forest of Clunie Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI):-

- 122 The development site is approximately 6km north east of the Forest of Clunie classified for hen harrier, osprey, short eared owl, merlin and black grouse.
- 123 SNH note that a number of osprey flights were recorded during vantage point watches suggesting that a pair may breed close to the wind farm site. Collision risk modelling was not carried out as less than 5 flights were recorded within the collision risk zone identified within the ES. Although ospreys have a core foraging range of up to 10km, information obtained from the RSPB suggests that ospreys flying over Saddle Hill are more likely to be birds which nest in the surrounding area rather than those nesting within the SPA. SNH also note there are no large standing waterbodies or rivers on the Saddle Hill site which would attract foraging ospreys.
- 124 With regards to other features of the Forest of Clunie SPA, SNH note that the Saddlehill site is outwith the core foraging range for these species.

Loch of Lintrathen and Loch of Kinnordy Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs):-

- 125 These sites are within Angus and lie 5km and 13km respectively from the proposed development site. Greylag geese and / or Pink Footed geese are a feature at both sites and are known to forage out to 20km from roost sites.
- 126 SNH are of the view that there will be no impacts to geese through displacement or collision mortality and therefore the proposal will not adversely affect the integrity of the sites.

Local Designations and Biodiversity

- 127 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. There are no adverse impacts on local nature conservation interest designations. Therefore policy NE1C is not contravened.
- 128 Policy NE3 stipulates that all wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the set out criterion. The habitat of the site predominantly consists of upland habitats and commercial forestry. Turbine and track construction will result in the loss of approximately 10% of the dry heath and <1% of the blanket bog habitats on site. Both blanket bog and dry heath are on Annex 1 of the Habitats Directive, with active blanket bog a priority feature. Section 5.7.34 of the ES recommends the production of a Habitat Management Plan to enhance the heath and bog communities retained on site.
- 129 Otter, bats and pine marten were recorded within the development site with suitable foraging habitat also available for wildcat (with recent reliable sightings of wildcat using the area have been passed to SNH). Accordingly there is the potential for disturbance or damage to the resting places of protected species from forest clear-felling and construction and operation of the wind farm, such as operations to upgrade or widen the existing forestry track and water crossings.
- 130 Section 5.7 of the ES makes recommendations for pre-construction surveys for bats and otters. SNH advise these surveys are expanded to include pine marten, wildcat and badgers. Results of these surveys will inform any licensing requirements and should form the basis of individual Species Management Plans (SMP) and mitigation measures. It is considered that this can be controlled by condition and will safeguard wildlife and wildlife habitats to comply with policy NE3.
- 131 The removal of forestry could also have impacts on the welfare and movements deer. SNH recommend that deer management plan is conditioned to ensure these impacts are addressed.

Ornithology

- 132 The nearest SPA and SSSI sites which are designated areas for birds have already been assessed above. This section relates to ornithology issues out with the SPA and focuses on Hen Harrier, Goshawk, Curlew and Blackgrouse.
- 133 Due to the low level of activity associated with Hen Harriers collision modelling has not been carried out as part of the ES. Both the RSPB and SNH note that Hen Harrier activity may increase once the coniferous forest is felled on the Saddlehill site and small mammal numbers increase in open ground habitats. RSPB recommend that post construction monitoring is put and also refer to a habitat management plan. SNH confirm that updated guidance on this matter is

likely to be published in 2015. Taking this into account it is considered that conditional control can secure mitigation.

- 134 Goshawk and curlew were the only species in the ES that were recorded in sufficient numbers within the collision risk height of the turbines. Predicted collision rates were 0.02 and 0.016 per annum for goshawk and curlew respectively. SNH confirm that the results indicate that the likely collision mortality rate is insignificant for these species
- 135 Two Black grouse leks were identified within 2km of the wind farm with 7 and 9 males respectively. As both leks are more than 750m from any turbines or tracks SNH confirm there is unlikely to be any significant impacts from disturbance or collision mortality.
- 136 While I acknowledge the strong ornithological concerns expressed by representations I attach weight to SNH's conclusions and recommendations as they are the body with specific responsibility to provide advice on ornithological matters. In this regard no objection is offered by SNH and I see no reason to recommend refusal on this matter if conditional control is secured. I also note that RSPB have no objection to the application if conditional control is applied.

Water resources and Carbon Rich Soils

Private Water Supplies

- 137 Environmental Health note that there is a limited public mains water service in the area therefore many surrounding properties are likely served by private water supplies. They recommended that the Environmental Protection Plan should include a water management plan which should include full details of the sources, infrastructure including treatment and properties served by private water supplies arising within, or likely to be affected by the development. As well as details of the proposed nature and frequency of baseline water supply monitoring, along with details of proposed methods of alerting affected individuals as a result of a contamination issue arising from the development along with alternative water supply arrangements.
- 138 While contamination of water supplies is a private legal issue, I consider it only reasonable to safeguard water quality and water supplies by condition to ensure the amenity of residential properties and/or other enterprises which use that supply are protected. Accordingly conditional control can be applied.

Groundwater Dependiant Terrestrial Ecosystems and Management of Peat

- 139 The initial consultation with SEPA confirmed that they required clarification on peat depth close to turbine 13 and whether the Groundwater Dependiant Terrestrial Ecosystems (GWDTEs) habitat 17 was moderately or highly groundwater dependent. Following clarification SEPA advised that they were satisfied on these matters. Conditional control is still requested to avoid pollution and protect the water environment.

Forestry

- 140 FCS has highlighted that in support of proposals for the removal of woodland the applicant should provide strong evidence that doing so will achieve significant and clearly defined additional public benefit, as is outlined in the Control of Woodland Removal policy. The FCS also expect the detail in any submitted ES to include all woodland issues associated with the proposed planning site including: a clear tie to the evidence relating to the policy as stated above, the proposed management of the remaining woodland area, any proposed further felling that may be required, and any new planting within the development area or mitigation planting proposed out with the site including specifications. FCS objected to the scheme at the outset noting that there was a lack of details associated with the proposed forestry works.
- 141 In response, the applicant submitted supplementary environmental information which included a forestry review. The FCS was re-consulted and they welcomed the revised proposal to maintain woodland on the site. However, they still sought clarification on the buffer zones around the turbine bases, the scale of the borrow pits and whether they would be reinstated to forestry along with details on the proposed restock percentages before the granting of consent.
- 142 In correspondence dated the 21 January they confirmed that they have reviewed their position and conditional control is recommended.
- 143 Policy NE2B specifically requires the Council to follow the principles of the Scottish Government's Policy on Woodland Removal and in accordance with that document there should be a presumption in favour of protecting woodland resources. Taking this into account the woodland resource on the site can be protected and supplemented through restocking by conditional control to achieve compliance with this local plan policy.

The Historic Environment, Cultural Heritage

- 144 HES has confirmed that they are content that the windfarm has been designed to avoid direct impacts upon nationally important heritage assets.
- 145 However, they advise that the proposal will have indirect impacts (i.e: setting) upon various heritage assets in the vicinity of the site. They do note that the impacts of greatest significance relate to the following Scheduled Ancient Monuments:
- Redlatches, settlement and field system 1900m SSE of (index no. 4640)
 - Redlatches, settlement and field system 1900m S of (index no. 4673)
 - Craighead, settlement and field system 900m N of (index no. 5581). They have highlighted that the magnitude of impact in their view is high. This is a contrast to the applicant's ES which specifies that the effect is of negligible magnitude and minor significance.

- 146 For Redlatches, settlement and field system 1900m SSE of (index no. 4640) a settlement of the later Bronze Age/Iron Age on a slight west facing slope. HS advise the proposed wind farm will intrude into the immediate setting of the settlement and in particular the most north-eastern of the turbines (T13 and T14) which will appear as a dominant feature on the eastern slope of Black Hill. The other remaining three turbines on Black Hill will impact upon the setting of this monument but to a slightly lesser extent.
- 147 With regards to Redlatches, settlement and field system 1900m S of (index no. 4673) a settlement of the Bronze Age/Iron Age on an east facing slope. They advise that the monument is characterised as open settlement within a forestry clearing. At present the monument does not have open views in or out of the clearing. The northern most two turbines (T13 and T14), in particular (those on Black Hill) will appear to almost full height to the south of the monument. These two turbines may frame the clearing and have the potential to become dominant elements in the landscape.
- 148 For Craighead, settlement and field system 900m N of (index no. 5581) a settlement and field system of the Bronze Age or Iron Age situated on the E flank of the Hill of Three Cairns. HS note that the setting of this monuments can characterised as open settlement with a forestry clearing. At present the site does not have open views in or out of the clearing. The southern turbines of the proposed development (particularly T2 and T3) will appear to almost full height to the north of the monument. These turbines may frame the clearing and have the potential to become dominant elements in the landscape.
- 149 HES confirms that on the basis of the information provided and site visits they have reached the conclusion for each asset the effect is not so adverse as to raise such issues of national significance that they would object. They do however recommend that the design layout is re-evaluated to mitigate the impact. In this case I am of the view, taking account of Historic Scotland's comments, that the proposal does not accord with Policy HE1A as the setting of the above scheduled ancient monuments are compromised.
- 150 Policy HE2 or HE3 of the LDP requires the setting of listed buildings and conservation areas to be taken into account. In this case the proposed wind farm would not have a significant effect on listed buildings or conservation areas, a view that is also shared by the Conservation Team.
- 151 With regards to Historic Garden and Designed Landscapes (HGDLs) the Council's Conservation Officer notes that a negligible effect occurs on the Craighall Rattary HGDL while a cumulative impact will occur on the Airlie Castle HGDL (based on the submitted wireline). However taking account of seasonal screening I am of the view the impact is not significant in EIA terms or sufficiently adverse to affect the integrity of the HGDL under Policy HE4.
- 152 Consultation has been undertaken with the Perth and Kinross Heritage Trust's archaeologist. They agree with the mitigation measures within the ES and recommend conditional control to secure a programme of archaeological works

to ensure the development complies with the non-designated archaeology policy HE1B.

Electricity Transmission/Grid Connection.

- 153 The ES advises that the wind farm will connect into the existing grid infrastructure at Coupar Angus. From the windfarm boundary to the grid connection point cables will be mounted on overhead poles. An indicative grid connection route is detailed at Figure 2.15 of the ES, a caveat confirms that other schemes may be constructed earlier and make use of the grid capacity at Coupar Angus, thus the connection point and route will ultimately be determined by the local Distribution Network Operator.
- 154 Policy ER1 requires the transmission system to be taken into account in the assessment however the cable route falls out with the application site and therefore this will need to be assessed either via another planning application or under the separate consenting process (i.e. The Electricity Act). I note from the ES that the indicative route has been chosen to avoid environmentally sensitive areas but when assessed against Policy ER2 there is a clear preference for underground alternatives to overhead route proposals.
- 155 Taking account of the above, if the application is granted, a negative suspensive condition should be attached so the grid connection point and method of connection can be assessed prior to the commencement of construction.

Aviation and Telecommunications

- 156 The MOD has been consulted on this application and has no objection subject to conditional control relating to aviation lighting being installed on the turbines and the exact 'as-built' position of the turbines being confirmed to them in writing. Consultation with NATS also confirms that they have no safeguarding objection to the proposal.
- 157 The ES has taken account of the potential conflict with telecommunication interests and none are predicted to be affected. It is also noted that no objection has been received from telecommunication operators.
- 158 The applicant has applied the BBC television's reception assessment tool through the scoping stage (note this service is no longer provided) and it is not considered that television reception of any domestic properties will be affected when the windfarm is in its operational phase. Nevertheless I consider it would be prudent to control this by condition, in the event that consent was issued and this would deal with the situation should any television reception complaints come forward.

Shadow Flicker

- 159 Shadow flicker is caused by a low sun behind the rotating blades of a turbine. The shadow created by the rotating blades can cause alternating light and dark

shadows to be cast on roads or nearby premises, including the windows of residences, resulting in distraction and annoyance to the residents. In this case all turbines are located well in excess of 10 rotor diameter (900m) from the nearest residences, the closest of which is 1.22km from the nearest proposed turbine. Shadow flicker is therefore not considered to be a significant issue in this instance.

Noise

- 160 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. Sound levels in gardens and amenity areas also need to be considered in terms of enabling a reasonable degree of peaceful enjoyment of these spaces for residents and this is an issue that has been raised in letters of representation.
- 161 Consultation with the Council's Environmental Health Section confirms that construction noise can be controlled conditionally to comply with Policy EP8.
- 162 Consultation with the Council's noise consultant Dick Bowdler confirms that cumulative noise level from the various wind turbine developments at the most affected properties here will be significant. Whilst it might in theory be possible to operate Saddle Hill without breaching the cumulative limits, nevertheless, the noise from Drumderg and Tullymurdoch alone will be on the limits at some properties in some conditions without the addition of Saddle Hill. To stay within the limits Saddle Hill would have to apply significant mitigation at various times under a range of common wind conditions. It is almost inevitable in my view that the limits would be breached from time to time. Even if they are not, the effect of the mitigation would be to expose these properties to continuous turbine noise right on the limits in a wide range of wind speeds whatever the wind direction.
- 163 While noise can theoretically be controlled within recognised noise limits to comply with Policy EP8 it should be noted that this will likely result in Saddlehill Windfarm having to operate in a reduced mode.

Transport Implications

- 164 The construction of Saddlehill would result in the local community served by the A85, A94 and B954 between the M90 trunk road and the site being subject to disruption. The impact of construction traffic is a significant concern to residents as detailed in letters of representation.
- 165 I acknowledge the impact construction traffic can have on the road network and sympathise with the concerns of local residents. However part of the function of the public road is to facilitate approved developments on sites which are served by it. In this case consultation with the Roads Authorities (Transport Scotland

and the Council's Transport Planning Section) has been undertaken and neither has objected. Conditional control has been recommended and this will assist in minimising the adverse impact on road users. In light of this the development would not conflict with local development plan policy TA1B.

Landscape and Visual Impact

- 166 TAYplan Policy 3 seeks amongst other things to safeguard landscapes and geodiversity, while TAYplan Policy 6 indicates that in determining proposals for energy development, consideration should be given to landscape sensitivity. Local Development Plan Policy ER1A (1) confirms the need to take account of landscape character with Policy ER6 specifying that development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 167 There is also a requirement through LDP Policy ER1A to take account of visual integrity. Accordingly the potential visual impact in relation to residential properties, designated locations, roads, recreation and sporting activities has to be considered.
- 168 An independent landscape consultant was appointed by the Council to assess the Landscape and Visual Impact Assessment (LVIA) and Cumulative Landscape and Visual Impact Assessment (CLVIA) of the ES and SEI. Advice has been provided in terms of the LVIA methodology, the likely landscape and visual effects, including cumulative effects, of the proposed development. Site visits were undertaken in March 2016 to view the site and its surroundings from the local road network, lanes, tracks and public rights of way. Photomontage viewpoint locations and other key visual receptors were visited. The weather was changeable, being overcast some of the time but also bright with good visibility at other times.

The Council's Independent Landscape Consultant Advice:-

Scoping and Consultation

- 169 The scope and content of the ES was informed by responses to pre-application consultations with a range of statutory and non-statutory bodies including PKC and Scottish Natural Heritage (SNH), and community consultation. A scoping opinion was provided by Angus Council in November 2013, in consultation with PKC, on the proposed development which at that time was for a larger scheme comprising 22 turbines measuring up to 125m (80m to hub with a 90m rotor diameter i.e. the hub height was 10m higher).
- 170 The scoping response suggested that agreement be sought over a range of methodologies including LVIA. Issues covered in consultation responses include agreement on viewpoints and views along key routes based on Zones of Theoretical Visibility (ZTV) within the full 35km radius study area. It was suggested that particular regard should be had to the impact on the Highland

Boundary Fault (HBF) including the low lying agricultural plains of Strathmore, which contribute to the setting of the line of hills that mark the HBF, and effects on the Catheran Trail. Reference was made to the 2010 DTA report commissioned by PKC (see paragraph 8 above).

- 171 SNH specifically requested consideration of cumulative effects within an extended study area of 60km, suggesting that a scheme of that scale and size, in this location, is likely to have significant adverse cumulative landscape and visual impacts with the nearby existing wind farms (in particular Drumderg) and other consented developments (including Welton of Creuchies, East Gormack and the Corb) and proposed developments (Tullymurdoch and Bamff – the former since consented and the latter refused).
- 172 It should be noted that an application for the construction of Green Burn Wind Farm was made to PKC in September 2015. Although the Saddle Hill ES predates Green Burn, given its close proximity to Drumderg to the west the assessment of cumulative effects of Saddle Hill should include Green Burn Wind Farm.
- 173 The design aspiration should be to avoid visual confusion. Given the proximity to Drumderg, it was suggested during consultation that the LVIA should focus on design compatibility with this existing scheme. It was suggested that the LVIA should take note of SNH's *Siting and Design Guidance* (Chapter 5 in particular), including though not limited to the following issues:
- (where cumulative impacts are likely to occur within an area) ...design objectives should be established that can be consistently applied to all proposed developments. This should result in a similarity of design and windfarm image within an area that limits visual confusion, and also reinforce the perceived appropriateness of each development for its location (paragraph 5.4).
 - Where there is a contrast in pattern, scale and relationship to key characteristics this will be likely to create a confusing image questioning the relationship of the original development to its surroundings (paragraph 5.4).
 - A windfarm, if located close to another and of similar design may appear as an extension; however, if it appears at least slightly separate and of different design, it may conflict with the other development (paragraph 5.13).
 - Individual windfarms should generally appear visually separated from one another in a landscape, unless specifically designed to create the appearance of a single combined scheme (summary page 37).

Site Design Process

- 174 With regard to potential landscape and visual effects it is noted that a number of landscape design objectives were developed through consultation, site survey, assessment and an iterative design process:
- Ensure design compatibility with Drumderg and Tullymurdoch wind farms.
 - Limit the potential landscape and visual effects, including effects on Glenisla (Angus).
 - Limit the potential cumulative landscape and visual effects on residential properties.
 - Limit the potential for significant effects on the CATERAN Trail;
 - Limit the potential cumulative (sequential and simultaneous) landscape and visual effects on the A93 National Tourist Route;
 - Limit the potential cumulative effects on the views of the Highland Boundary Fault (HBF) from Strathmore; and
 - Limit the potential cumulative effects on the Cairngorms National Park in terms of cumulative development, special qualities and wild land.
- 175 Pre-application consultation and detailed site design resulted in a series of changes to the proposal, reducing the number of turbines from 22 to 14, reducing the height of the turbines from 125m to 115m (reducing the hub height by 10m whilst retaining the same rotor diameter) and, according to the ES, locating the turbines so that the proposal appears as a coherent, uniform layout with respect to the most sensitive 'design' viewpoints.

Review of Landscape and Visual Impact Assessment, ES Volume 2 Chapter 8, ES Volume 3 Figures and ES Volume 4 Appendices (Appendix 8.1, 8.2, 8.3, 8.4, 8.5, and 8.6) Landscape Guidance

- 176 The LVIA refers to various strategic planning guidance documents on wind energy development of relevance to the Saddle Hill Wind Farm application. These are SNHs *Strategic Locational Guidance for Onshore Wind Farms – Natural Heritage Considerations* (2009), the *Tayside LCA* (1999), the DTA 2010 PKC wind energy study, and a *Strategic Landscape Capacity Assessment for Wind Energy in Angus* (2014). This last document is not considered further here as it relates to land outside PKC and is thus beyond the scope of this report.
- 177 With regard to the SNH Strategic Locational Guidance, this was replaced in June 2015 with new guidance on '*Spatial Planning for Onshore Wind Turbines – natural heritage considerations*' (to bring the guidance in line with Scottish Planning Policy [SPP] 2014).

- 178 The LVIA correctly identifies the application site as lying within the *Highland Summits and Plateaux* landscape character type (LCT) and the *Forest of Alyth* landscape unit, as identified within the Tayside LCA, 1999. The LVIA refers to general guidance on wind energy development within the *Highland Summits and Plateaux* LCT as identified in the Tayside LCA but this was written at a time when turbines were much smaller structures and still relatively novel features in the landscape.
- 179 The LVIA recognises that the DTA 2010 study provides a more detailed classification of landscape character across parts of Perth and Kinross, including the development site, than that provided within the 1999 Tayside LCA. As recognised within the DTA study, the site lies within the smaller 'Transitional Moorland with Forest' LCT and the 'Forest of Alyth' landscape unit, on account of its transitional character between the 'Mountain Summits and Steep Ridges' and the 'Highland Foothills'. The DTA study considers the 'Forest of Alyth' landscape unit within which Saddle Hill Wind Farm would lie as having medium landscape sensitivity to wind energy development with potential capacity for a medium wind farm of 13 to 20 turbines up to approximately 120m high.

Study Area

- 180 A study area for the LVIA of 35km from the outermost turbines was agreed following consultation and complies with SNH recommendation for turbines between 101 and 130m to tip height¹. Zone of Theoretical Visibility (ZTV) maps to hub height and tip height were generated covering the study area, illustrating areas from where the proposed wind turbines may be visible in the landscape.

Methodology and Approach

- 181 The LVIA within Chapter 8 of the ES Volume 2 is very comprehensive, running to more than 100 pages. It is supported by Volume 3 Figures containing numerous landscape plans, photomontages and other illustrations, and Volume 4 Appendices including assessment schedules and supporting information. The appendices include a detailed description of the methodology used in the LVIA, including cumulative assessment, a residential amenity assessment, viewpoint analysis, landscape character and wild land assessment.

Visualisations

- 182 The methodology generally follows best practice guidance. It refers to a number of publications used in the assessment and up to date at the time. There are no obvious documents missing from the list, however a key SNH document '*Visual Representation of Windfarms Good Practice Guidance*', 2006, was updated in July 2014. The updated version draws on the considerable experience gained in assessing and representing wind farms since the previous version. The guidance has changed considerably and now sets out procedures for the representation of visualisations at a scale that most closely meets the perception of the human eye as receptor at the viewpoint. The method requires photographs to be taken with a fixed 50mm focal length lens on a full frame

sensor DSLR camera, which is then cropped and enlarged to provide a 75mm equivalent single frame printed image for viewing in the field at a comfortable arm's length (around 500mm for most people). The previous standard practice required images to be presented at the equivalent 50mm focal length and viewed at a correct "viewing distance" but there are now concerns that illustrations prepared using the previous 2006 guidance would be likely to consistently under-represent perceived scale in relation to the human eye. In following the latest 2014 guidance visualisations should be produced that more accurately represent the likely view of a proposed development experienced or observed from a view point.

- 183 From viewpoints within 15km there is a panoramic (stitched) photograph of the existing view and a cumulative wireframe below showing the Saddle Hill turbines with existing and consented schemes. A second figure shows the same panoramic view with a photomontage illustrating the appearance of Saddle Hill within the existing landscape (with Drumderg turbines where visible in the same view). In more distant views the wireframe is simply repeated on a second figure which adds nothing to the perception of likely effect. The quality of some of the visualisations is poor making it hard to see the turbines against a light sky (for example Viewpoint 15, Viewpoint 19, etc.).
- 184 Careful on-site interrogation of photomontages included in the ES was undertaken to ascertain how accurately they represent the operational Drumderg Wind Farm, which also gave an indication of whether the Saddle Hill photomontages accurately represent the scale of the proposed turbines as likely to be actually perceived from each viewpoint. It is considered that the images significantly underplay the size of the existing Drumderg turbines leading to the conclusion that the potential size of the Saddle Hill turbines depicted in the photomontages are also significantly underplayed. Comparing Saddle Hill photomontages with the single frame views provided from similar viewpoints in the Green Burn ES (prepared in accordance with the updated 2014 SNH visual representation guidelines) supports this conclusion, for example by comparing images of Drumderg shown in Saddle Hill VP9 with Green Burn VP1, and in Saddle Hill VP7 with Green Burn VP5.
- 185 It is noted that the PKC publication "*Guidance for the Preparation and Submission of Photographs and Photomontages to illustrate the impacts of Wind Energy Development for inclusion in Planning Applications and Environmental Statements*" is not listed in the ES as a guidance document. It would appear that many of the requirements of that publication have not been met (for example, no single frame photographs and photomontages at 50mm and 70mm focal length are provided).

Assessment of Landscape and Visual Effects

- 186 The LVIA adopts appropriate criteria to determine landscape and visual effects, by separately evaluating landscape and visual sensitivity (on a 4-point scale of high, medium, low and negligible), and the magnitude of change brought about by the development (on a 5-point scale of large, medium, low, negligible, and zero). Different levels of significance of landscape and visual effects (on a 6-

point scale of substantial, moderate/substantial, moderate, slight, slight/negligible, and negligible) are determined by way of a matrix table, with explanatory text.

- 187 As discussed in GLVIA3, there are no hard and fast rules about what effects should be deemed 'significant'. The LVIA in the ES states that 'substantial' and 'moderate / substantial' effects are "significant in terms of the EIA Regulations" (and thus effects below these thresholds are "not significant in terms of the EIA Regulations") however this is potentially confusing since the phrase has no specific meaning in relation to the EIA Regulations.
- 188 The LVIA in the ES also states that 'moderate' effects have the potential in some cases to also be "significant in terms of the EIA Regulations" which is considered a sensible approach in evaluating a low magnitude of change on a highly sensitive receptor, and a large magnitude of change on a receptor of low sensitivity, as significant. However, it is noted that although the LVIA records a number of effects as 'moderate' none are deemed as significant. Furthermore, in accordance with GLVIA3 it should also be made clear that effects not considered to be significant will not be completely disregarded.

Assessment of Cumulative Landscape and Visual Effects

- 189 An assessment of cumulative landscape effects and cumulative visual effects is essentially the same as for the assessment of site specific landscape and visual effects: the level of landscape and visual effect is determined by assessing the sensitivity of the landscape or visual receptor, and the magnitude of change. The assessment of cumulative visual effects involves reference to the cumulative visibility ZTV maps covering a 60km radius search area and the cumulative viewpoint analysis.
- 190 The cumulative landscape and visual impact assessment (CLVIA) includes 22 wind energy schemes. Within the ES the most relevant are considered to be those wind farms (as opposed to single wind turbines) within 5-6km of Saddle Hill, namely Drumderg (operational) and those consented at Welton of Creuchies and Tullymurdoch. Single turbine developments in the area have some impact but as the Reporter into the Tullymurdoch appeal stated, the key interactions in cumulative terms are between wind farms (as opposed to single wind turbines).
- 191 As mentioned above, an application for the construction of Green Burn Wind Farm was submitted to PKC in September 2015, and although the Saddle Hill ES precludes Green Burn, given its close proximity to Drumderg to the west the assessment of cumulative effects of Saddle Hill should include Green Burn Wind Farm.
- 192 It is also relevant that a modification to the dimensions of the approved Tullymurdoch turbines was approved by PKC in November 2015. Overall height of those turbines to blade tip has been reduced from 120m to 114.75m, hub height reduced from 80m to 68.75m, and rotor diameter increased from 80m to 92m, equating to a 6m increase in blade length.

- 193 Table 1 below compares the dimensions of nearby wind farms (operational and consented schemes) with Saddle Hill Wind Farm, noting its strong correlation with the modified Tullymurdoch scheme and some similarities with Drumderg.

Table 1: Comparison of the Most Relevant Wind Energy Schemes with Saddle Hill Wind Farm:

| Wind Farm | Turbine No. | Hub Height (meters) | Blade Length (meters) | Ht. to Blade Tip (meters) | Rotor Diam. (meters) | Max. Ht. Including Ground Level (meters) approx. |
|-------------------------|-------------|---------------------|-----------------------|---------------------------|----------------------|--|
| Saddle Hill | 14 | 70 | 45 | 115 | 90 | 545 |
| Drumderg | 16 | 67 | 40 | 107 | 80 | 529 |
| Tullymurdoch (modified) | 7 | 68.75 | 46 | 114.75 | 92 | 440 |
| Welton of Creuchies | 4 | 64 | 35.5 | 100 | 71 | 361 |

Assessment of Residential Visual Amenity

- 194 A separate assessment of residential visual amenity has been undertaken to identify any location where the proposed turbines would have an overbearing effect and/or result in unsatisfactory living conditions, leading to a property being regarded, objectively, as an unattractive place in which to live. The assessment is limited to residential properties or groups of residential properties within 5km of the proposed Saddle Hill Wind Farm which appear on the Ordnance Survey 1:25,000 scale map. The assessment is constrained by only viewing the properties from public (not private) land. However, the assessment enables the prediction of likely significant effects.

Assessment of Effects on Wild Land Areas

- 195 An assessment of the likely effects of the Saddle Hill Wind Farm proposals on two Wild Land Areas (WLA) has also been undertaken, namely the Cairngorms WLA and Lochnagar-Mount Keen WLA. The assessment considers effects within those parts of the WLAs overlapped by the Saddle Hill Wind Farm ZTV.

Viewpoints

- 196 Twenty seven viewpoints are included in the LVIA. Of these, 9 are located within PKC, 2 within the Cairngorms National Park and 16 within Angus. The 9 PKC viewpoints are considered adequate to gain a realistic impression of how the Saddle Hill Wind Farm would be perceived in the Perth and Kinross landscape. However, as referred to above, the quality of some of the visualisations is poor. An obvious omission from the viewpoints in PKC is from the iconic King's Seat on Birnam Hill above Dunkeld which is within the River Tay, Dunkeld NSA. However, it would appear that this was not requested during scoping / consultation. Other sensitive viewpoints within the ZTV could

have been included, for example from the Cateran Trail south of Bridge of Cally.

Landscape and Visual Baseline

- 197 The LVIA establishes the baseline in terms of existing landscape character and landscape designations, and baseline visual receptors including residential properties, transport routes and recreational trails, within the study area. Existing development including Drumderg Wind Farm is correctly included in the baseline assessment.
- 198 With regard to the landscape baseline, the LVIA focusses on landscape receptors within 10km, whilst including consideration of National Scenic Areas, Wild Land and the Cairngorms National Park within a wider study area at a distance of 10-35km from Saddle Hill. Reference is made to the HBF within the wider study area despite its representative alignment being illustrated as running between Blairgowrie and Alyth less than 10km from Saddle Hill. It is interesting to note that this alignment varies considerably from that shown within the ES for the Dulater Hill Wind Farm which illustrates it further north (and thus closer still to Saddle Hill). Both the Saddle Hill and Dulater Hill ESs indicated the HBF with a single line which bears little resemblance to the perception of a transitional change from lowland to highland in this area. The HBF landscape feature within the 2010 DTA study is more representative of the gradual change in landscape character within the *Highland Foothills* landscape character unit/area (LCA). Tullymurdoch Wind Farm would lie on the HBF as identified by DTA, with Drumderg and Saddle Hill located immediately to the north within a 2km sensitive visual buffer.
- 199 The LVIA refers to the relevant landscape character assessments. It concludes that the *Forest of Alyth* LCA within which Saddle Hill would be located is of medium landscape sensitivity where development would not significantly affect key landscape characteristics of the wider *Highland Summits and Plateaux* LCT (in particular its relative wildness and remoteness), and where the presence of Drumderg reduces sensitivity to further wind energy development (whilst recognising that over-capacity is an issue for consideration in the cumulative LVIA). The LVIA recognises that sensitivity is increased further to the south and east (within Angus) as a result of the higher sensitivity of Glenisla and the potential for further cumulative development at Tullymurdoch, located on the boundary with the *Highland Foothills*. This analysis is generally in line with the 2010 DTA report with regard to landscape sensitivity within PKC.
- 200 With regard to the visual baseline, the LVIA draws upon the ZTVs and viewpoint analysis to focus on the limited number of local receptors such as views from properties and core paths within a 5km study area; other receptors such as transport routes including the A93 National Tourist Route and Scottish Hill Tracks and Heritage Paths within 10km; and receptors of national importance including the Cateran Trail and National Cycle Route No. 77 between Perth and Dunkeld within a wider 10-35km study area. There are no recreational or tourist destinations within 10km in PKC that fall within the ZTV, although the hill walking summits of Hill of Alyth and Mount Blair are included in

the assessment. Views from the Kinnoull Hill and Ben Vrackie 'iconic viewpoints' are included in the wider study area.

- 201 The LVIA concludes that in terms of landscape capacity and susceptibility, the broad and simple landform, with coniferous forestry and a series of rounded hills on three sides of the application site, large scale landscape pattern, and limited settlement / visual receptors indicate a medium capacity for the proposed Saddle Hill Wind Farm. It suggests that this compares favourably with the DTA report which considers the *Forest of Alyth* to be of medium sensitivity and capable of accommodating a scheme comprising up to 20 turbines 120m to blade tip in addition to the existing Drumderg Wind Farm. However, the LVIA fails to mention that the DTA study stresses that this does not mean to say that the area is suitable for wind farm development of this scale – it has the potential to accommodate development in terms of landscape character subject to further landscape character assessment of impact on landmark landscape features, including the Highland Boundary Fault, and subject to assessment of visual sensitivity that considers views from principal tourist and amenity routes, including the A93, and cumulative landscape and visual effects.
- 202 Furthermore, the 2010 DTA study suggests that to limit visual impact from the A93 and A924 there is the potential for an extension of Drumderg or a new wind farm to the north of Drumderg if the Highland Boundary Fault is protected from intrusion. Saddle Hill Wind Farm would be located to the east of Drumderg and within the sensitive visual buffer extending 2km north of the HBF as identified within the DTA 2010 report.

Landscape Assessment, including Cumulative Landscape Effect

Assessment of Saddle Hill Wind Farm

- 203 The LVIA concludes that the addition of the Saddle Hill Wind Farm into a landscape already heavily influenced by Drumderg (operational) and with the potential addition of Tullymurdoch Wind Farm (consented), and being surrounded on three sides by coniferous forestry and a series of rounded hills, would lead to a significant adverse effect on the *Forest of Alyth* LCA within 2km of the proposed development, although the effect would not be significant in overall terms on the total area and overall integrity of this LCA or the wider *Highland Summits and Plateaux* LCT. Within 1km of the proposed turbines, affecting un-forested areas around Hill of Fernyhirst, there would be a change in the landscape character to that of a '*wind farm landscape*' where the turbines would appear as the dominant characteristic in common with other existing wind farms.
- 204 Saddle Hill Wind Farm would be located within the same LCA as Drumderg, helping to maintain the distinction between the *Forest of Alyth* LCA and the *Alyth Foothills* LCA (within the wider *Highland Foothills* LCT) immediately to the south. This issue was a consideration at the recent Tullymurdoch appeal since that wind farm would straddle the boundary between the two LCAs.

- 205 The Reporter into that appeal agreed with independent consultants advising SNH that Drumderg has a good landscape fit from the south, being located within a landscape of simple topography on a gently rounded hill that is not visually prominent. Any new wind farm should be compatible with Drumderg in its scale and design. In this location where the *Highland Foothills* acts as a transition the distinction between the highlands and lowlands along the HBF is not as obvious as it is further east around Kirriemuir. Consequently landscape and visual effects need to extend further than just the local scale to be significant.
- 206 The ZTV shows theoretical visibility of Saddle Hill Wind Farm extending south to the hill range north of Blairgowrie and Alyth (for example Hill of Alyth) at a distance of approximately 6.5km. Photomontages from Viewpoint 3 (Cateran Trail near Standing Stones), Viewpoint 6 (A93 near Mains of Mause) and Viewpoint 7 (Hill of Alyth) give an indication of how Saddle Hill Wind Farm might appear in the landscape, and its relationship with Drumderg, from distances of approximately 3.8km, 6.2km and 6.4km respectively. From these locations the wind farm would break the skyline where the mountains within the *Highland Summits and Plateaux* LCT may (or may not) to varying extent be perceived beyond. Conifer plantation within the Forest of Alyth in front (to the south) of the wind farm relates well to the plantations further south on the lower lying *Alyth Foothills* LCA. Landscape effect would be locally significant, with a greater effect on the *Highland Foothills* than on key characteristics of the *Highland Summits and Plateaux* LCT beyond, where significant effect of the development on the *Highland Foothills* LCT as a whole would be unlikely to be significant beyond approximately 5km distance where there would be a 'wind farm landscape' dominated by Drumderg, Saddle Hill and Tullymurdoch (and possibly Green Burn) (see below).
- 207 The majority of views at between 10-20km are from the south across the broad settled Strathmore valley and from the north-facing slopes of the Sidlaw Hills beyond. Viewpoint 15 (A94 east of Couper Angus), Viewpoint 20 (A94 near Burrelton) and Viewpoint 21 (A923 south of Coupar Angus) give an indication of how Saddle Hill Wind Farm might appear in the landscape, and its relationship with Drumderg, from distances of approximately 14.4km, 19km and 20.1km respectively. Although, as discussed in paragraph 25 above, it is considered that the images significantly underplay how the turbines would be actually perceived in the view, at these distances significant landscape effects would be unlikely. In the context of Drumderg Wind Farm and the settled *Strathmore Broad Valley Lowland* LCA the proposed wind farm would not substantially affect the perception of the character of the wider *Highland Summits and Plateaux* LCT. Consequently effect on the HBF is unlikely to be significant.
- 208 Within the wider study area, indirect effects on highly sensitive landscape characteristics of National Scenic Areas, Wild Land and the Cairngorms National Park are also unlikely to be significant, predominantly due to distance reducing the magnitude of change. It is noted that SNH has not referred to potential effects on any NSA or Wild Land.

Cumulative Landscape Assessment

- 209 Although there are a number of consented wind farms and single turbines, and other wind farm applications within the planning system close to Saddle Hill, the main consideration is potential cumulative impact with the operational Drumderg and the recently consented Tullymurdoch Wind Farm. Welton of Creuchies is a consented scheme of only four turbines located approximately 6km to the south, and likely to be perceived as a separate development to any Drumderg/Saddle Hill/Tullymurdoch wind farm cluster.
- 210 Much of the southern half of the *Forest of Alyth* LCA is significantly affected by Drumderg. The CLVIA suggests that with Tullymurdoch and Saddle Hill the area dominated by wind turbines (and thus a 'wind farm landscape') would not extend beyond approximately 1km. This would appear to underplay the combined effects of Drumderg, Tullymurdoch and Saddle Hill where the closest turbines would be approximately 1km apart and where in some views they would have the appearance of a combined cluster that would extend to an area approximately 5km square. An indication of this is seen in Viewpoint 7.
- 211 The CLVIA concludes that the addition of Saddle Hill with Drumderg and Tullymurdoch will not significantly affect the HBF due to its relatively less prominent skyline in this location. As referred to above, landscape and visual effects need to extend further than just the local scale to be significant; visibility of the proposed Saddle Hill Wind Farm in conjunction with the HBF would tend to occur at greater distances within Strathmore at approximately 15-20km, as illustrated in Viewpoints 15 and 20, from where effects are unlikely to be significant.

Visual Assessment including Cumulative Visual Effects

- 212 Of the nine viewpoints in PKC, the LVIA predicts significant visual effects at only Viewpoint 3 (Cateran Trail near Standing Stones) at a distance of 3.8km from the nearest turbine. The maximum distance where visual effects are predicted to be significant is approximately 5km to the east near Kiltry in Angus. Cumulative visual effects are predicted within approximately 6.8km as illustrated in Viewpoint 9 Mount Blair. However, the CLVIA predicts significant effects with Ark Hill Wind Farm from Viewpoint 19 Kinpurny Pictish Hill Fort on the north facing side of the Sidlaw Hills in Angus, at a distance of more than 18km.
- 213 A summary of visual effects in the LVIA, including cumulative effects, within PKC is as follows:
- No properties in PKC would be significantly affected by views of Saddle Hill Wind Farm (there would be significant effects on 24 properties in Angus within a 5km distance).
 - There would be significant cumulative visual effects on 7 properties in PKC ('Craighead', 'Tullymurdoch', 'The Corb', 'Burnside of Drimmie Farm Cottage', 'Burnside of Drimmie Farm', 'Drimmie Cottage' and 'The

Drimmie') (there would be significant cumulative effects on other properties in Angus);

- Visual effects on the A93 National Tourist Route are illustrated in Viewpoint 6 assessed in the LVIA as moderate (not significant) effect.
- Visual effects on the A94 are illustrated in Viewpoint 15 and Viewpoint 20 assessed in the LVIA as slight to slight/negligible (not significant) effect.
- The LVIA acknowledges that there would be significant effects on views from approximately a 5km length of the Catheran Trail within PKC between Mains of Creuchies and Cloquhat, as illustrated in Viewpoint 3 – this part of the trail is already affected by views of Drumderg, where the addition of Tullymurdoch and Saddle Hill would slightly increase cumulative visual effects.
- A 2-5km section of Scottish Hill Track 184 (Alyth to Glenshee) would experience significant effects where the route passes between Drumderg to the west and Tullymurdoch and Saddle Hill to the east, to within 200m of the nearest turbine, although existing forestry would provide some intervening screening – however, the proposed forestry felling is likely to open up views of some of the Saddle Hill turbines which would otherwise have been screened.
- The view from the local hill walking summit at Hill of Alyth at approximately 6.4km distance is illustrated in Viewpoint 7, where the magnitude of change is recorded as low with an overall moderate (not significant) visual effect; however it is considered that this downplays the likely effect - the addition of Saddle Hill will more than double the area affected by Drumderg with a medium magnitude of change and thus a moderate/substantial and significant effect.
- The view from the local hill walking summit at Mount Blair at 6.8km to the north is illustrated in Viewpoint 9, where the magnitude of change is recorded as medium to low with an overall moderate (not significant) visual effect; however, the CLVIA assesses the cumulative effect of Drumderg, Tullymurdoch and Saddle Hill as significant.
- The view from the highly sensitive 'iconic viewpoint' at Ben Vrackie at a distance of 25.5km is illustrated in Viewpoint 24, where the magnitude of change is recorded as negligible with an overall slight (not significant) visual effect; however, the CLVIA assesses the cumulative effect of Drumderg, Tullymurdoch and Saddle Hill as moderate to slight (remaining not significant).
- The view from the highly sensitive 'iconic viewpoint' at Kinnoull Hill at a distance of more than 33km is illustrated in Viewpoint 27, where the magnitude of change is recorded as negligible with an overall slight (not significant) visual effect.

214 A key landscape design objective within the Saddle Hill ES is to ensure design compatibility with Drumderg and Tullymurdoch Wind Farms. The LVIA suggests that:

- The design of the proposed Saddle Hill Wind Farm would be visually comparable and compatible with the Drumderg and Tullymurdoch Wind Farms in terms of the layout, number, scale / height, proportion and detailing;
- The design of the proposed Saddle Hill Wind Farm would also aim to create a simple and cohesive wind farm composition in its own right, the scale and number of which is compatible to the underlying landscape character;
- In this respect the overall scale of the development has been reduced considerably from the initial design and the physical relationship of the proposed Saddle Hill Wind Farm with the Drumderg and Tullymurdoch Wind Farms is one of a closely associated and visually comparable wind farm cluster that would avoid 'visual confusion' and limit significant visual effects to within 5km.

215 Table 1 above compares the dimensions of Saddle Hill with Drumderg, Tullymurdoch and Welton of Creuchies wind farms. This shows a strong correlation of Saddle Hill with the modified Tullymurdoch scheme and some similarities with Drumderg. However, Saddle Hill has a more complex, dispersed layout than Drumderg or Tullymurdoch, with turbines unevenly spaced in most views, often with outlying turbines away from the main cluster. Despite being located within a similar landscape as Drumderg, where landscape pattern has essentially a NW-SE grain where the ground falls to a number of minor burns running in this direction into Glen Isla, the topography around Saddle Hill is more complex. Locally the topography rises to a series of hill peaks, rising to a ridgeline comprising Black Hill, Saddle Hill and Hill of Fernyhirst, falling and rising again to minor peaks at Hill of Three Cairns and Hill of Craighead. This produces a visually complicated pattern, where the proportion of visible turbine towers and blades varies considerably, with overlapping blades in many viewpoints around the wind farm. The presence of forestry around the wind farm further confuses the image from some viewpoints. Furthermore, maximum turbine elevation on Black Hill is likely to create visual prominence which would draw the eye to the turbines.

216 This compares with the relatively simple, compact layout of Drumderg with turbines evenly spaced in most views, located within a simple domed landscape providing relatively consistent views of turbine towers and blades. Similarly, Welton of Creuchies wind farm has a simple, compact, evenly spaced layout.

217 In most of the viewpoint visualisations Tullymurdoch appears similar in design to Drumderg in terms of turbine density, its compact layout and similar landscape context within a relatively simple topography. Although 13m higher,

the height difference of Tullymurdoch is largely absorbed by its lower elevation compared to Drumderg such that the difference is not significant in most views.

- 218 In views from the south, Saddle Hill appears in-between and set back from Drumderg and Tullymurdoch, or as part of a cluster with Tullymurdoch. However, for the reasons given above the perception is of a poor image of wind farm development (as can be perceived from the wireframes since Tullymurdoch is not included in the photomontages). In some views, for example Viewpoint 7 from Hill of Alyth, all three schemes appear as a wind farm cluster but the different designs and image create visual confusion. This conflicts with SNHs Siting and Design Guidance, in particular those concerns repeated in paragraph 11 above.
- 219 The simplicity of the Tullymurdoch scheme, its separation from Drumderg and its lower elevation would be adversely affected when combined with Saddle Hill. A Tullymurdoch / Saddle Hill grouping would be over-dominant in many views. Furthermore, Saddle Hill wind farm would close the gap between Drumderg and Tullymurdoch from Viewpoint 6: A93 near Mains of Mause (see Wireframe Figure 8.30a). See also Green Burn Viewpoint 12: South of Bridge of Cally Panorama with Cumulative Wireline (view 1 of 4). Saddle Hill would also close the gap between Welton of Creuchies and Tullymurdoch as seen in Viewpoint 20: A94 near Burrelton. See also Green Burn Viewpoint 10: Burrelton Panorama with Cumulative Wireline (view 1 of 4).
- 220 In views from the north, Saddle Hill will be closer to the view. The wireline view from Mount Blair (Viewpoint 9) indicates substantial cumulative effect (as recorded in the CLVIA, but the accompanying photomontage only illustrates half the view). The assessment predicts a low magnitude of change in the view from Meall Odhar (Viewpoint 14) but it is considered that this downplays the likely impact of Saddle Hill which would extend the proportion of wind farm development in the view considerably. It is considered that the magnitude of change is likely to be medium resulting in a moderate / substantial and significant effect.

Supplementary Environmental Information (SEI), January 2016: Review of Forestry Restructuring Proposals

- 221 It is noted that FCS objected to the development in January 2015 because the ES did not include enough information about the site's forestry interest to allow FCS to determine whether the proposals are appropriate. Whilst the applicant acknowledges the potential loss of woodland area and is proposing to carry out compensation planting to mitigate the loss, FCS advises that tree felling should be avoided and offsite compensation planting should be a last resort. As mentioned above, this is of relevance since landscape and visual impact of tree felling can be significant whilst measures to reduce felling, such as increased turbine heights, can have wider landscape and visual effects.
- 222 Tilhill Forestry provided SEI in January 2016 to address FCSs concerns. The new proposal reduces the felling area to the removal of 55ha from part of Whincraigie Forest, restocking with short rotation species to a maximum height

of 10m above ground level, and 15ha of compensation planting (following construction of the wind farm) within areas felled to make way for the site access road (11ha), around the turbine bases (replanting of 50m buffer areas) and at the location of a borrow pit (totalling 4ha).

223 At paragraph 2.1.4 of the SEI, Tilhill Forestry state that:

“...Whincraigie forest is difficult to distinguish in the landscape and is not visible from much of the A93...Thus, the Whincraigie forest is barely visible at all and certainly not prominent in the landscape.”

224 However, the forest is very distinguishable in views from the CATERAN Trail, as shown in Viewpoint 3 where an existing ride through the forest provides a conspicuous notch on the skyline (this image is reproduced on the front cover of the ES Volume 3 Figures), drawing the eye in this direction (and consequently in the direction of Saddle Hill Wind Farm). In Viewpoint 6 the forest is seen on the skyline from the A93.

225 Removal of forestry as proposed in the SEI has the potential to open up some views of the wind farm from the west, in particular close views from the Alyth to Glenshee Scottish Hill Track No. 184. However, the Saddle Hill turbines will be screened in views from the A93 to the west, predominantly by Hill of Kingseat and Hill of Ashmore. In more distant views from the west, Saddle Hill would be seen behind the existing Drumderg turbines.

226 Forestry removal is likely to be more evident and open up views of Saddle Hill Wind Farm from the east within Angus, where not screened by local topography such as Hill of Fernyhirst. Viewpoint 5 from Knock of Formal indicates such a view.

Independent Landscape Consultant Conclusion.

227 The ES's three design objectives have not been achieved.

- The design of the proposed Saddle Hill Wind Farm would **not** be visually comparable and **would not be** compatible with the Drumderg and Tullymurdoch Wind Farms primarily in terms of its layout.
- The design of the proposed Saddle Hill Wind Farm would **not** create a simple and cohesive wind farm composition in its own right.
- The physical relationship of the proposed Saddle Hill Wind Farm with the Drumderg and Tullymurdoch Wind Farms is **not** one of a closely associated and visually comparable wind farm cluster; **there would be visual confusion** and **significant cumulative effects would extend approximately 12km within Perth and Kinross** (18km from Viewpoint 19 Kinpurny Pictish Hill Fort on the north facing side of the Sidlaw Hills in Angus, as recorded in the CLVIA).

Scottish Natural Heritages Landscape Advice

- 228 SNH also reinforce the concerns expressed by the Council's landscape consultant . They advise, "this proposal would create a confusing pattern of wind farm development on the Highland Boundary Fault, which is not a good fit with the existing Drumderg and consented Tullymurdoch wind farms. It would also result in significant adverse cumulative landscape and visual impacts upon, landscape character, views and recreational amenity of walkers on the hills and mountains along and to the north of the Highland Boundary, including the CATERAN trail and views and visual amenity of residents and visitors in Glen Isla, Strathmore and the Sidlaws".
- 229 Taking account of the advice provided by SNH and the Council's landscape consultant I conclude that the proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types including the Highland Boundary Fault. Furthermore, the scheme will have unacceptable visual impacts and unacceptable cumulative landscape and visual impact on residential, recreational and tourist receptors. Accordingly the proposal is contrary to Policy 3 and Policy 6 of TAYplan as well as Policy ER1A and Policy ER6 of the Perth and Kinross Local Development Plan 2014.

Contribution towards meeting Carbon Reduction and Renewable Energy Targets, socio-economics including tourism and recreation interests

- 230 The submitted ES indicates that the proposed windfarm, once fully operational, would have a generating capacity of up to 35MW. A wind farm's predicted 'capacity factor' is the percentage of its maximum output that is expected to be generated during its operational lifetime. A 100% capacity factor would mean that the wind turbines were generating their maximum output all the time. This would require constant high wind speeds all year round. In reality, the wind speed fluctuates but is sufficiently strong for wind turbines to generate electricity most of the time at, or below, their maximum possible output.
- 231 The applicant has used a 28% capacity factor (the Scottish mean for 2000 to 2012 from the Historic Regional Statistics: 2012 Regional Data). Using this figure that applicant confirms this would generate 85,848 MWh of electricity per year and would produce the equivalent electricity as used by 20,105 households, based on an average usage of 4.27MWh per UK household.
- 232 With regards to emissions the wind farm would avoid the emission of approximately 52,109 tonnes of CO₂ per year, presuming savings of 607g/kWh. Taking account of manufacture, construction and decommissioning of the windfarm the payback period has been calculated between 0.5 years and 1.9years.
- 233 I acknowledge the scheme would make a contribution to the Scottish Governments target of 100% electricity generation from renewable energy resources by 2020 as well as contributing to the reduction of greenhouse gas

emissions in line with the commitment to reduce emissions by 42% by 2020 and 80% by 2050 targets as set out by the Scottish Government.

- 234 With regards to the Development Plan it would assist with one of the aims of TAYplan Policy 6 which seeks to deliver a low/zero carbon future for the region through a reduction in fossil fuels and LDP Policy ER1A (b) which seeks proposals to contribute to meet carbon reduction targets.

Outdoor Access

- 235 Outdoor Access has now been given a new context in Scotland, since the Land Reform (Scotland) Act 2003. This establishes a duty on local authorities to uphold the outdoor access rights as specified in Section 13(1) of the Act. This duty on local authorities does not stop them from carrying on with the authority's other functions, an example of this is when they are considering planning applications for development on land over which access rights are exercisable, they will still be able to give consent for developments. Although, where appropriate, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access.
- 236 Although there are no Rights of Way within or through the site, there is Scottish Hill track 184 Alyth to Glenshee to the Western proportion of the site in Perth and Kinross and the Cateran Trail/core path to the east proportion of the site in Angus.
- 237 Consultation with Community Greenspace confirms that good practice would respect and manage public access rights during construction and this could be achieved through signage or providing appropriate contact details so advice on safe public access provision could be provided. Community Greenspace wish to see and approve the detailed scheme regarding facilitating public access both during and after construction which can be controlled by condition.

Economic benefits

- 238 In terms of the wider economy, the economic benefits associated with the windfarms are detailed in the applicant's submission. This highlights that jobs will be created during the construction, operation and decommissioning of the windfarm.
- 239 It is accepted that a development or construction project of this scale is likely to represent an economic opportunity to the local and regional economy as it will offer potential business opportunities for contractors through construction, delivery and maintenance, together with indirect expenditure through local shops, services etc.
- 240 Securing such benefits can be recognised as consistent with key Government and Development Plan objectives for the Scottish economy. However, those same objectives indicate that achieving *sustainable economic growth* in Scotland requires a planning system that can deliver growth enhancing

activities in a manner which protects and enhances the quality of the natural and built environment as an asset for that growth. Environmental protection can therefore be seen as a key measure of *sustainable economic growth*.

- 241 Taking this into account the green energy contribution, pollution reductions and economic benefits of the development have to be balanced against the potential significant adverse effects on local environmental quality.
- 242 Overall, based on the findings earlier in this assessment the adverse effects on environmental quality and landscape are of such weight to tip this balance sufficiently towards refusal of the application.

LEGAL AGREEMENTS

- 243 None required.

DIRECTION BY SCOTTISH MINISTERS

- 244 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 245 The assessment above has taken account of the development plan and where necessary provided weight to material considerations. This includes information provided in the ES, comments received from consultees including the adjoining planning authority, relevant appeal decisions in western Perthshire along with representations made both in support and in opposition to the proposal.
- 246 There are no overriding problems in relation to bio-diversity interests for the area if conditioned. It is acknowledged that the proposal would make a contribution to the provision of energy from renewable resources, with a consequential reduction in CO2 emissions. An element of economic benefit during construction, operation and decommissioning would occur but these have to be offset against the presence of the windfarm. However, there are significant and unacceptable adverse landscape and visual impacts from the scheme on its own and cumulatively. There are also adverse impacts on the setting of Scheduled Ancient Monuments.
- 247 To conclude, Section 25 of the Town and Country Planning (Scotland) Act 1997, as modified, states that determination should be in accordance with the development plan unless other material considerations indicate otherwise. In respect of the above the proposal is considered to be contrary to the overriding thrust of the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 248 While there is considerable support in the Scottish Planning Policy for this form of development this support is not unconditional, paragraph 187 makes it clear

that environmental and cumulative impacts must be addressed. Taking account of the other applicable material considerations I find none of significant weight that would lead to a different conclusion. Accordingly the application is recommended for refusal.

RECOMMENDATION

A REFUSE THE APPLICATION FOR THE FOLLOWING REASONS:

- 1 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 2 The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
- 3 The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Eastern Perthshire, contrary to policy PM1A of the Perth and Kinross Development Local Development Plan 2014.
- 4 The application is contrary to policy HE1A of Perth and Kinross Local Development Plan 2014 as the setting of scheduled ancient monuments, Redlatches, settlement and field system 1900m SSE of (index no. 4640), Redlatches, settlement and field system 1900m S of (index no. 4673) and Craighead, settlement and field system 900m N of (index no. 5581) are compromised.

B JUSTIFICATION

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None

D INFORMATIVES

None

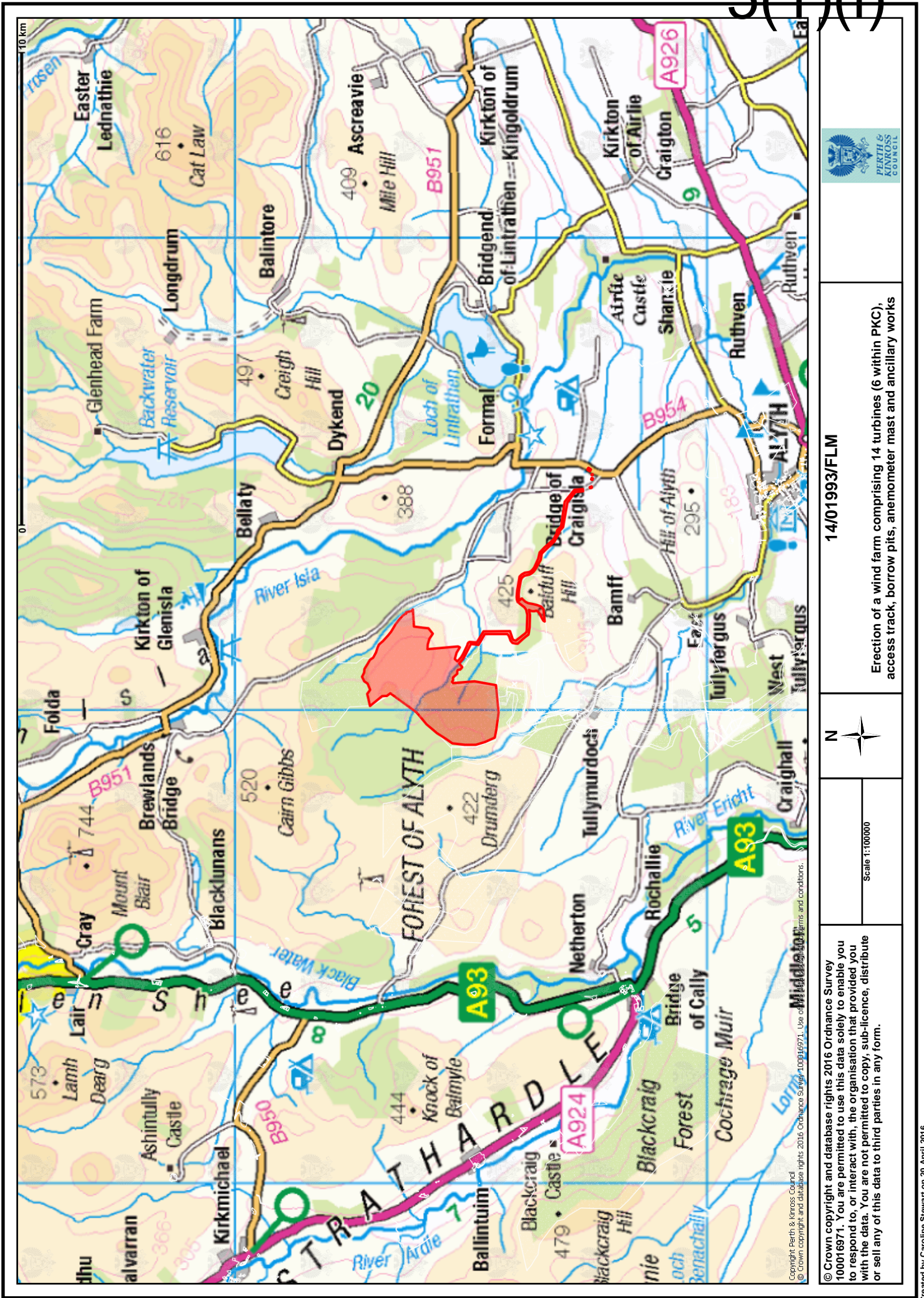
Background Papers: 502 letters of representation
Contact Officer: John Russell – Ext 75346
Date: 28 April 2016

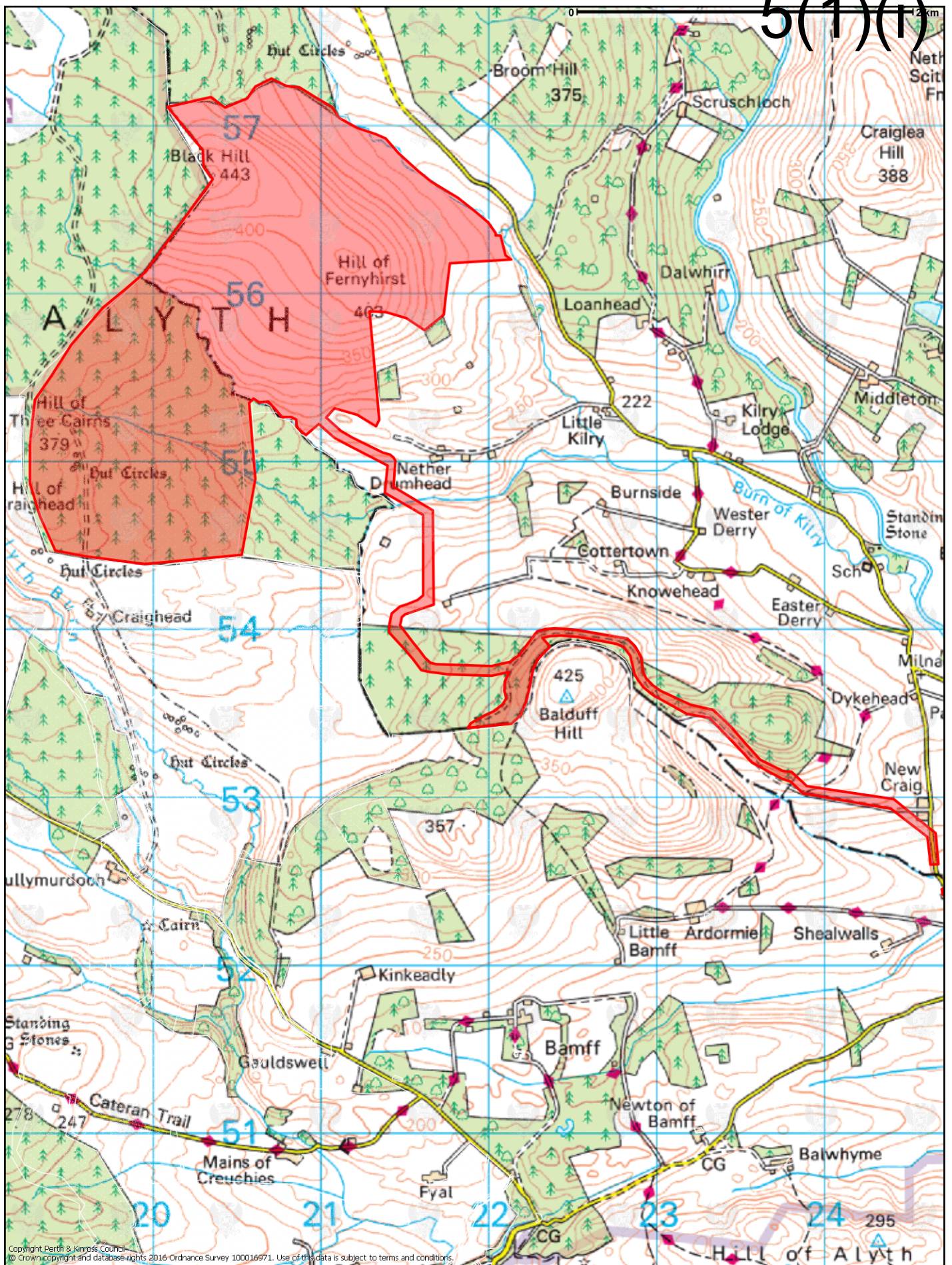
NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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Scale 1:30000

14/01993/FLM

Erection of a wind farm comprising 14 turbines (6 within PKC), access track, borrow pits, anemometer mast and ancillary works



Perth and Kinross Council
Development Management Committee – 11 May 2016
Report of Handling by Development Quality Manager

Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth

Ref. No: 15/01112/IPM
 Ward No: 5 – Strathtay

Summary

This report recommends approval of this in principle application to formally establish the acceptability of residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents both see the Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

Additionally the proposal complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan, City Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

BACKGROUND AND DESCRIPTION

- 1 The Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and woodland.
- 2 The site is located with the lowland river corridor landscape character unit. The developable land is elevated above the River Almond and contained by Bertha Wood and Bertha Loch to the north. The A9, the Perth to Inverness Railway line and the River Tay are to the east. Inveralmond Industrial Estate is to the south. The Gellyburn watercourse and the village of Almondbank are located to the west.
- 3 The principal components of the in principle application comprises:
 - Residential properties: 3000 homes comprising a range and choice of homes including affordable housing. A series of Character Areas ensuring a sense of identity and variety through the development are incorporated into the Masterplan.

- Employment land: 25ha of employment land. Employment will comprise a number of different uses associated with a new community. This includes Class 2 (Finance & Professional Services), Class 4 (Offices), Class 6 (Storage & Distribution) (Class 10) Retirement housing/care home and Park & Ride.
 - Village Core incorporating a range of uses including retailing, offices, places to eat and drink, medical facilities, leisure and community facilities.
 - Access to the site will be from the new CTRLR linking to the new River Almond bridge crossing. The CTRLR A9/A85 Crieff Road Junction and link into Bertha Park now has planning consent and will be delivered by Perth & Kinross Council, application 15/00036/FLL refers. Until such time as the link to the River Tay crossing and A9 alignment are completed, an emergency access will be provided via Ruthvenfield Road and existing bridge over the River Almond.
 - New Park & Ride and compatible employment land associated with CTRLR/A9 (T) realignment. (Note: CTRLR/A9(T) realignment will be subject to a separate planning application by Perth and Kinross Council).
 - New secondary school provision (Phase 1) and a primary school; (Note: secondary school and potential primary school will be the subject to separate detailed planning applications but area of land for school provision incorporated into masterplan).
 - Areas of open space, new woodland and landscaping including new water features and SUDs. Existing woodlands will be retained and managed appropriately.
 - Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- 4 Springfield's vision for Bertha Park is to create a countryside community with 3000 homes and all the supporting infrastructure, facilities and amenities demanded by modern life.
- 5 The development has been split into 3 phases spread over a period of three decades, as follows:
- Phase 1: 2017 to 2027
 - Phase 2: 2027 to 2037
 - Phase 3: 2037 to 2047

Table 2.1 Summary of land uses for the Masterplan

| Class | Land Use | Area (ha) | | | |
|-------|-----------------------------------|------------------|---------------|-------------------------|----------|
| | | Masterplan total | Ph.1 detailed | Ph.1 PPP (West Village) | Ph. 2 &3 |
| 1 | Retail | 1.03 | 0.46 | 0.49 | 0.08 |
| 2 | Financial and Professional | 1.35 | - | 1.23 | 0.12 |
| 3 | Food and Drink | 0.58 | 0.05 | 0.48 | 0.05 |
| 4 | Business (office) | 18.55 | - | 0.17 | 18.38 |
| 6 | Storage and Distribution | 2.5 | - | - | 2.5 |
| 8 | Residential institution (beds) | 60 beds | - | - | 60 beds |
| 9 | Residential (units) | c.3,000 | 1,061 | 29 | c. 1,900 |
| 10 | Non-residential institution | 2.69 | 0.11 | 0.52 | 2.06 |
| 11 | Assembly and leisure | 0.2 | | 0.17 | 0.03 |
| | Sui Gen (including Park and Ride) | 2.6 | | | 2.6 |

Extract from Springfield's submission detailing a summary of land uses and how this relates to the Masterplan. Note that the delivery and phasing of components and landuses are still to be agreed and this is discussed in the Appraisal Section of this report.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An Environmental Statement (ES) has been submitted in support of the application and is available in three volumes:
 - Volume 1 – Environmental Statement

- Volume 2 – Appendices
 - Volume 3 – Non-Technical Summary
- 9 Supplementary Environmental Information (SEI) was submitted in March 2016 and includes further environmental information on how the scheme relates to Air Quality, Noise and Vibration, Nature Conservation and Ecology as well as ground conditions, drainage and flood risk.
- 10 This Supplementary Environmental Information (SEI) was subjected to further advertisement and consultation.
- 11 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. In this case the information within the Environmental Statement is considered to meet the requirements of the regulations.

FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT

- 12 In addition to the Environmental Statement, the applicant has also submitted the following documents in support of the application.
- Pre-application Consultation Report
 - MasterPlan
 - Planning Statement
 - Design and Access Statement
 - Sustainability Statement

NATIONAL POLICY AND GUIDANCE

- 13 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

The Scottish Planning Policy 2014

- 14 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans
 - The design of development, from initial concept through to delivery
 - The determination of planning applications and appeals.

- 15 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 16 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 17 A Natural, Resilient Place
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 18 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

- 20 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 21 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 22 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.
- 23 The following documents from Historic Environment Scotland (HES) are also of importance in the determination of the application given the historic significance of sites within and surrounding the site:-
- Scottish Historic Environment Policy July 2009 (SHEP)
 - Managing Change in the Historic Environment Guidance Series

DEVELOPMENT PLAN

- 24 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 25 The overall vision of the Tay Plan states:
"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs."
- 26 West and North West Perth are identified as a Strategic Development Area in the proposed plan, including the site relating to this application.
- 27 The principal relevant policies are, in summary:

Policy 1: Location Priorities

- 28 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2: Shaping better quality places

- 29 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 30 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 4: Strategic Development Areas

- 31 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the Tayplan. This includes a strategic development area to the west/ north west of Perth for 4000+ homes and 50ha of employment land.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 32 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 33 States, *"To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010"*.

Perth and Kinross Local Development Plan 2014

- 34 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 35 The LDP sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 36 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 37 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 38 All proposals should meet all eight of the placemaking criteria.

Policy PM1C - Placemaking

- 39 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

Policy PM2 - Design Statements

- 40 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 41 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED1A - Employment and Mixed Use Areas

- 42 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy RD1 - Residential Areas

- 43 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 44 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy RD6 - Particular Needs Housing Accommodation

- 45 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

Policy TA1A - Transport Standards and Accessibility Requirements

- 46 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 47 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 48 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution

towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 49 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy CF3 - Social and Community Facilities

- 50 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 51 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 52 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 53 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 54 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 55 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 56 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

- 57 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 58 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 59 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 60 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER3A - Minerals and Other Extractive Activities

- 61 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

Policy ER4A - Minerals and Other Extractive Activities

- 62 Favourable consideration will be given to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 63 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 64 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 65 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 66 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 67 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 68 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP3D - Water, Environment and Drainage

- 69 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 70 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP11 - Air Quality Management Areas

- 71 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 72 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Policy EP15 - Development within the River Tay Catchment Area

- 73 Nature conservation in the River Tay Catchment Area will be protected and enhanced.

OTHER POLICIES

Perth & Kinross Community Plan (2006 – 2020)

- 74 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 75 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

Perth and Kinross Local Transport Strategy

- 76 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

The Perth City Plan 2015 – 2035

- 77 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

SITE HISTORY

- 78 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 79 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.
- 80 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.
- 81 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements, application approved, 20 March 2015.
- 82 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. EIA Screened on the 15 July 2015, not required.
- 83 15/01109/FLM Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works, pending consideration.

CONSULTATIONS

EXTERNAL

- 84 **The Scottish Government: Historic Environment Scotland** - Confirm that their remit on this application relates to scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and their respective inventories.
- 85 They advise that no significant effects occur at Scone Palace or Huntingtower Castle and note that there are no other significant effects on sites within their statutory remit.
- 86 Overall they agree with the findings of the Environmental Statement and offer no objection to the application.

The Scottish Government: Transport Scotland (Environmental Statement)

- 87 Access to the development is predicated on the delivery of the Council's proposed infrastructure package identified under 'Perth Transport Futures Project'. The nearest trunk roads to the site are the A9(T), which is located

immediately to the east of the site, and the A85(T) to the south which will provide access to the site through a newly constructed junction.

- 88 Phase 1 of the project will be taken from two new roundabouts on the first section of the Cross Tay Link Road (CTLR), which leads directly from the A9/A85 Crieff Road Interchange improvement. Subsequent phases of development will rely on the completion of the CTLR, which includes the formation of a new junction on the A9 to the north of Inveralmond.
- 89 The CTLR will not be part of the Trunk Road Network. Therefore Transport Scotland offer no comment on the actual access points to the site as they form part of the local road network.
- 90 Transport Scotland has previously been consulted on these infrastructure proposals, including the Environmental Assessment for the A9/A85 Junction, which has been designed specifically to accommodate the Local Development Plan proposals. On that basis the overall environmental effects of both development and infrastructure proposals in west Perth have already been considered in terms of the trunk road impacts and found to be acceptable.
- 91 In conclusion, they are satisfied with the submitted ES and no objection to the proposed development in terms of environmental impacts is offered.

The Scottish Government, Transport Scotland (Planning Consultation)

- 92 No objection. The Transport Assessment does not include an assessment of the wider impact the proposal will have on the Broxden and Inverlamond Roundabouts. As a consequence of modelling work undertaken by Perth and Kinross Council they have recommended a series of mechanisms being put in place to ensure there is no adverse impact in the wider road network.

Luncarty, Redgorton and Moneydie Community Council

- 93 Raise concern as to the emergency access into Bertha Park via Inveralmond will be controlled along with the potential for construction traffic to access/egress onto the A9. The community council seek clarification on the extent of mineral to be extracted and whether this is to be retained for use on site. They question the generation of jobs associated with the development and the relationship of the delivery of employment land and note that no significant Class 4, Class 5 and Class 6 will be available until 2025. They also raise the potential cumulative impact on the Green Belt from Bertha Park, the CTLR, the zoned Luncarty site H27 and sites that have been identified by third parties under the Strategic and Policy Team's new call for sites. They raise concern that some of the Bertha Park development zones have potential to flood and that flooding events at the Almond/A9 bridge underpass has implications for pedestrian and cycling access into Perth City as this may result in crossing the A9 during such events. Raise concern that the underpass at the Bertha Park Village core will not be in keeping with the village feel of the development and note that these areas can become undesirable. They also question the

alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements that already has consent under application 15/00036/FLL.

Scottish Water

- 94 No response received.

Scottish Environment Protection Agency (SEPA)

- 95 No objection to the planning permission in principle application on flood risk grounds and note that the principle of this development was established as acceptable during the LDP stage. They note that at the detailed design stage for each phase of development SEPA will require further information to assess flood risk in terms of any proposed development layout.
- 96 SEPA initially objected to the application on the grounds of lack of information associated with Groundwater Dependent Terrestrial Ecosystems (GWDTEs) and the infilling of the unnamed artificial pond. The submission of SEI and further clarification has resolved this matter and conditional control is recommended to secure a replacement pond.
- 97 SEPA request that planning conditions are attached to cover the following areas Sustainable Urban Drainage System (SUDS), Ecology, 7 Construction Environmental Management Plan (CEMP) and Site waste Management Plan (SWMP)).

Scottish Natural Heritage (SNH)

- 98 There are no likely significant effects upon the River Tay SAC. Conditional control can be applied to allow the development to proceed without committing offences against protected species. They provide comments on the provision of green infrastructure and advice on where and how they believe it could be improved. Presently they consider the masterplan as submitted does not adequately protect and mitigates impacts on ancient semi-natural woodland or provide sufficient information on proposed woodland.

National Grid Plant Protection Team

- 99 No response received.

Methven Community Council

- 100 No response received.

Tay Salmon Fisheries Board

- 101 No response received.

R S P B

102 No response received.

Forestry Commission Scotland

103 No response received.

Sport Scotland

104 No objection. Note that the detailed application for the school will progress under a separate planning application. They encourage reference and adherence to Sport Scotland's design guidance for schools.

Perth and Kinross Area Archaeologist

105 Recommend conditional control. From the desk based assessment, walkover survey and evaluation, a suite of archaeological features have been recorded. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural landuse.

106 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required and a detailed programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust.

INTERNAL

Environmental Health

107 No objection to the in principle application but recommend conditions be included on any given consent.

Transport Planning

108 No objection subject to conditional control and securing public transport provision by legal agreement.

Affordable Housing Officer

109 No objection. The application proposes 3,000 dwelling houses, which would mean that the Affordable Housing Policy would apply and a condition to reflect this should be attached to any planning application granted.

Education and Children's Services

110 No objection. This development falls within the Ruthvenfield Primary School catchment area. As this application is only "in principle" it is not possible to provide a definitive answer at this stage, however it should be noted that the Developer Contributions Policy would apply to all new residential units with the

exception of those outlined in the policy. Due to the scale of this proposal the primary education requirement will be determined through discussions with the applicant.

Contributions Officer

- 111 No objection. Affordable Housing, Education and Transport Contributions are required in accordance with Supplementary guidance. Due to the scale of this proposal the contributions will be determined through discussions with the applicant.

Community Greenspace - Access Officers

- 112 No objection. Paths for cyclists and pedestrians should be a minimum width of 2.5 m and ideally will be within a wider green corridor. These provide key connections both within the site and linking to the site so should be created at a standard suitable for cyclists and pedestrians and should be surfaced – not mown grass tracks as labelled which will prove difficult to maintain in the long term. Recommend that an updated colour coded plan is submitted of the path according to their function.

Public Space Management

- 113 No objection. Public spaces as indicated are generally large enough to provide for useful functions and maintenance which is welcome. They note that the community would need to take on management and maintenance of community facilities such as the bowling green & allotments.
- 114 More detail is required on the layout particularly of key open spaces such as the parks, pitches & play areas and areas which may be more challenging to maintain, such as the 'terraced' area near the roundabout shown on the east village plan. Play areas should be labelled as either equipped play areas or unequipped areas for informal play, ball games etc. PKC Play Area Standards should be secured.
- 115 Within the major park area play areas, sports pitch with associated changing and parking, and concrete skate park should sit comfortably within landscaped parkland. The sport pitch requirement within the park area is likely to be two full sized grass pitches with associated changing, parking and access paths. The formal sport and play facilities should not exceed approximately 60% of the landscaped park area. The current layout provides no detail on the park and associated facilities, pitches are currently shown near the school only.
- 116 The woodlands create a useful framework for the development; no detail is given in relation to new planting around residential areas or key open spaces. Native trees should be planted far enough away from gardens and paths to avoid future complaints when trees mature.
- 117 The landscape management plan provides some detail on the principles to be applied and includes species lists. The Tree & Woodland Office advises

replacement of some species but acknowledges that the arboricultural report (appendix 10.8) is an accurate description of the tree and woodland cover within and surrounding the site and the broad brush recommendations are appropriate. It is recommended that a more detailed 20-year woodland management plan is produced for all the woodland areas with timescales for implementation.

- 118 The building stand-off distance is a welcome addition to the root protection area. The stand-off distance provides a more robust long term protection for woodland edge trees as well as reducing the risk to people and property.

Bio-diversity Officer

- 119 No objection. The masterplan provides good wildlife corridors and linked habitats that will benefit biodiversity.
- 120 There are further biodiversity opportunities that could be incorporated into the detailed design including protection of amphibians on site, provision for bats and birds in the development, opportunities for further green infrastructure like living roofs, green walls and rain gardens. This can be incorporated into detailed phases of the scheme.
- 121 A series of biodiversity conditions are recommended.

Community Waste Advisor

- 122 No response received.

Flood Prevention Officer

- 123 Following clarification through the provision of Supplementary Environmental Information conditional control is recommended.

Strategy and Policy

- 124 No objection. Bertha Park is allocated in the LDP for 3,000+ houses and in excess of 25ha employment land. As such it forms an important component of the Council's housing and employment land supply
- 125 There needs to be further discussion on the phasing and bringing forward of employment land in conjunction with the housing development. The planning statement does suggest that there may be scope to bring forward development geographically within phase 3, such as the employment land, in conjunction with CTRL and this is something which should be given further consideration.
- 126 The LDP indicates that the first phase of development is not to be more than 750 homes and the secondary school and this is not to commence until the first phase of the CTRL linking the site to the A9/A85 junction has been provided. Strategy and Policy are aware that the applicants have been in discussions with the Roads Infrastructure Team on the CTRL issue but the proposed first phase of

1061 houses is significantly in excess of the LDP requirement and no justification appears to have been given as to why this higher number of houses should be allowed in the first phase.

REPRESENTATIONS

- 127 One letter of representation has been received from Luncarty, Redgorton and Moneydie Community Council as detailed in the consultation section.

ADDITIONAL STATEMENTS

| | |
|--|--------------------|
| Environment Statement | Submitted |
| Screening Opinion | Scoping undertaken |
| Environmental Impact Assessment | Required |
| Appropriate Assessment | Not required |
| Design Statement / Design and Access Statement | Submitted |
| Reports on Impact or Potential Impact | Submitted |

APPRAISAL

Policy Appraisal

- 128 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

Principle

- 129 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The site is within the Tier 1 settlement of Perth and within the Perth Core Area therefore complies with this Policy.
- 130 Tayplan policy 4 is of particular importance as well as the site specific requirements contained in the Perth and Kinross Local Development Plan 2104 (PLDP). The other relevant policy considerations are outlined in the policy section above and will be considered in more detail below.
- 131 TAYplan sets the strategic framework for the Local Development Plan under Policy 4 and identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross, identifying three strategic development areas at North West Perth, Oudenarde and Invergowrie. Bertha Park is located in the North West Perth Strategic Development Area the principle of development in the form proposed under this application is consistent with Tayplan Policy 4.

- 132 The PLDP allocates the Bertha Park site for 3000 plus houses and 25 hectares of employment land under reference H7. The principle of this application is consistent with this allocation, notwithstanding this, there are a number of site specific developer requirements, as detailed in the table below that require assessment.

| Ref | Location | Size | Number |
|--|------------|-----------------|--|
| H7 | Berthapark | 178 ha (est) | 3,000+ In excess of 25 ha employment land |
| Site Specific Developer Requirements <ul style="list-style-type: none"> ⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land. ⇒ Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch. ⇒ The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area. ⇒ Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation. ⇒ Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation. ⇒ Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided. ⇒ Facilities to enable the expansion area to be connected to Perth's bus network. ⇒ Network of paths and cycle routes providing good active travel links to Perth and Almondbank. ⇒ Green corridors in particular networks to link site with Perth and the wider countryside. ⇒ Protection and enhancement of biodiversity. ⇒ Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development. ⇒ New secondary school with potential to provide an all-through school/campus. ⇒ Park and Ride site. ⇒ The extraction of any viable mineral resources prior to development. ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources. | | | |

SITE SPECIFIC REQUIREMENTS

- 133 These requirements will be assessed in turn.

A Masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land.

- 134 A Masterplan for the Bertha Park site has been submitted as part of the in principle application. This sets out the principal components of the development.
- 135 The Masterplan identifies 3 principal phases or cores of development at Bertha Park which are defined by the structural landscape components taking account of existing and proposed landscape components.

Phase 1 (Centre) (Note detailed phase 1 application has been submitted and is pending consideration application 15/01109/FLM):

- 136 The first phase, located centrally, will be accessed from the first roundabout on the CTRL. To the east will be the new school, potential business uses and higher density housing. To the west will be the high street, village core, residential areas with associated landscape and open space.

Phase 2 (West of centre):

- 137 The second phase will be developed following the extraction of minerals and proposed re-profiling. Mainly residential the second phase includes a site for a potential primary school.

Phase 3 (East of centre):

- 138 The third phase to the east includes the existing farm house and farm buildings. The Masterplan proposes retention of these historic buildings and the walled garden. The farmhouse will remain a home in private ownership with some of the farm buildings housing community uses. The residential areas have a varied character from the lower density housing built amongst woodland on the steeper slopes to the medium to high density housing on the flatter ground near the existing farmhouse. Business uses within this phase are to the north beyond the woodland, on the land closest to the A9 to the east and beside junctions on the CTRL. The delivery and phasing of business land is discussed in greater detail under the 'Economic Impact' heading of this report, paragraph 217.

Indicative Build out Rate:

- 139 Based upon an estimation of 100 homes being completed per annum the development of the 3 main phases is anticipated to be built out to the following timescales:
- Phase 1 – 2017-2027
 - Phase 2 – 2027-2037
 - Phase 3 – 2037-2047

- 140 The Masterplan thoroughly analyses the sites assets and constraints while looking at its relationship with the City of Perth and the surrounding hinterland. As a consequence the master plan comprehensively sets out a vision and an identity for Bertha Park that is robust.
- 141 The phased strategy sets out how these core phases of land are to be released and the provisional timescales. However, there are other key triggers associated with the delivery of off-site infrastructure and elements of the Masterplan that need to be taken into account in greater detail. While some of these issues will likely be secured by legal agreement it will also be necessary to secure a phasing or delivery plan using conditional control.
- 142 Some of the issues covered will be the scheme's relationship with the Cross Tay Link Road (discussed in greater detail below), the capacity of local schools including the proposed new secondary school at Bertha Park, the delivery of the Bertha village centre, the delivery of an underpass under the link road to connect the western section of Bertha Park, the delivery of business land as well as a Park and Ride, the removal of economically viable minerals, the formation of structural landscaping/green infrastructure between phases including paths as well as a subsidised public transport service at the developments outset.

Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch.

- 143 PLDP policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.
- 144 A flood risk assessment (FRA) has been undertaken and is included in the technical appendices of the applicant's ES with the findings of the FRA discussed in chapter 12.
- 145 No significant risk of flooding from the River Tay was predicted.
- 146 Flooding from the River Almond was predicted at the southern part of the site where the CTRL crosses the Almond. This is discussed in greater detail under the next site specific requirement which relates to open space and flood storage protection.
- 147 Flood flows along the Gelly Burn and the unnamed stream on the site would generally be confined in bank; however there would be limited shallow flooding along both watercourses.
- 148 Bertha Loch is located to the north of the development zones. It has two overflows, one to the south and the other to the east. A detailed assessment of the consequences of a dam breach of the Loch has been carried out and is

incorporated into the Technical Appendix 12.2. Dam breach scenarios were modelled to determine peak flows and a number of mitigation measures are proposed. This includes improvements to the eastern dam through lowering its height, setting finished floor levels of properties along the flow pathway above the flood level, provision of a flood flow pathway to the eastern part of the site as well as monitoring of the dam.

- 149 There is no flood risk from the un-named artificial pond in the centre of the site, this is to be infilled and a new pond created immediately to the east as a semi-natural suds pond.
- 150 Overland flows have been considered in the assessment and mitigation can be secured by conditional control to ensure there is no adverse flood risk from overland flows.
- 151 Overall, the proposal is considered to comply with the site specific requirement and development plan policy EP2 if the flood mitigation measures in the Environmental Statement are secured by condition.

The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area.

- 152 The flood risk assessment has identified the flood storage areas that abut the River Almond. These areas are incorporated into the masterplan as recreational areas, paths and openspace (apart from the infrastructure associated with the Cross Tay Link Road that already has approval). Any change away from these areas of open space or recreational use would require a planning application. In light of this, I am content that the flood storage areas are sufficiently protected to meet this site specific requirement.

Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.

- 153 Tay plan policy 3 seeks the protection of key assets. The River Almond part of the River Tay SAC is such an asset. Local plan policy NE1A also seeks to protect the interest of protected species within this watercourse.
- 154 The ES has considered the potential impact on the SAC and it recognises that construction phases of the development could affect the designated features of the River Tay SAC through the release of sediment and pollutants from working areas including areas where substrate will be removed for re-profiling of the terrain. In the absence of mitigation, there could be a temporary negative effect on the River Tay during construction. During the operational phase the development could affect the designated features of the SAC through nutrient enrichment from foul drainage and the proposed 'Biomatrix Plant' as well surface water runoff due to the increased hard-standing areas. In addition, the

proposed SUDS discharge into the River Almond may lead to nutrient enrichment in the SAC. Pollution from traffic may also affect it.

- 155 The ES recognises the need to control construction practices to ensure sediments and pollutants are not released into the environment. A full suite of control measures are discussed in chapter 12 of the ES and these measures can be incorporated into a Construction Method Statement/ Construction Environmental Management Plan through conditional control.
- 156 The Masterplan for the in principle application confirms that final foul water discharge management has not been decided and an element of flexibility is sought (note that the detailed application for phase 1 proposes to connect into the public sewer). SNH's consultation response confirms they can only currently advise broadly on impacts upon the River Tay SAC and that in principle it would be possible to develop this site without having an adverse effect on the integrity of the River Tay SAC. They note that in due course, as waste water treatment method and mechanisms are selected and designed, it will be essential that suitable mitigations are conditioned into the phased development so this matter can be taken into account at the detailed application stage.
- 157 The drainage strategy for the development is the deployment of a Sustainable Urban Drainage System (SUDS). Within this SUD system, external drainage from buildings will receive one level of treatment and roads will receive two levels of treatment. It is not clear at this stage where discharge from SUDS ponds will take place other than into the water environment.
- 158 The current overall SEPA classification for the Tay and Almond locally is 'good'. Any deterioration from this level as a result of sediment or other pollutants, has the potential to reduce the suitability of the SAC for designated species, in particular lamprey. As a result, SNH note that when detailed discharge plans are brought forward, they must be assessed against the conservation objectives of the River Tay SAC with the locations of outfalls from SUDS infrastructure, along with their construction being prescribed to ensure they are in suitable locations so they do not damage habitats associated with lamprey and fish.
- 159 This can be secured via conditional control.

Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.

- 160 Survey work undertaken for the ES has identified the likely species present on and across the proposed development site. SNH note that it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning phases and any disturbance licences sought from SNH.

- 161 The need for updated survey work and species protection plans due to the longevity of the site build-out can be secured through conditional control. It is considered this would achieve compliance with Local Plan Policy NE3 – Biodiversity and EP25 Development within the Tay Catchments.

Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided.

- 162 As part of the site mobilisation and preliminary construction works the developer proposes that construction traffic will access the site via the existing priority junction on the A9(T), located to the north of the Inveralmond Roundabout. Consultation with Transport Scotland confirms that a Construction Traffic Management Plan to identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout is required.
- 163 Upon completion of the CTRLR construction vehicle access will be provided via the first phase of the CTRLR to enable the main house building works to commence. It is particularly important to ensure that no residential unit be occupied until the A9/A85 Junction as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been implemented. Additionally no more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been designed, approved and contract let.
- 164 Transport Scotland highlight that the proposed development will have an impact on the A9 Trunk Road. They note that mitigation is required and this shall either be physical improvements to junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. Transport Scotland require a negative suspensive condition, also known as a 'Grampian' condition, to ensure this matter is appropriately controlled or another appropriate mechanism.
- 165 Members should note that PKC Transport Planning in partnership with Transport Scotland have commissioned work on the potential solutions for the Broxden and Inveralmond Roundabout. This work is advanced and should clarify how the strategic sites relate to these Trunk Road Network junctions. This work will inform future discussions between parties to provide certainty on how the Trunk Road issues at these junctions can be potentially resolved.
- 166 Transport Scotland require further details associated with the delivery of phase 3 (the eastern phase) to ensure that the boundary treatment or lighting associated with this phase does not impact on the operation of the A9. This can be incorporated into conditions.

Facilities to enable the expansion area to be connected to Perth's bus network.

- 167 An indicative public transport route is shown as part of the Masterplan, however this will require further analysis as part of future applications to ensure that public transport is available from the earliest possible stage of development. This should also include the provision of passenger waiting facilities throughout the development.
- 168 Public transport is required at an early stage to promote sustainable transport modes of travel. A funding mechanism to provide for a new public transport service during the build out of the development should be secured by legal agreement.

Network of paths and cycle routes providing good active travel links to Perth and Almondbank.

- 169 The Transport Assessment also assesses the proposed walking and cycling provision within the site with good potential for these modes to provide meaningful levels of trips.
- 170 Bertha Park is located adjacent to a network of existing core paths and cycle routes. The Masterplan integrates with these paths to provide an off-road traffic free route to the centre of Perth.
- 171 The Masterplan also provides additional amenity routes within the existing woodland and aims to reinstate some of the historic routes. This new path network provides recreational access in 5 key areas:-
- The River Almond woodland scarp bounding the southern side of the site;
 - A circular route around Bertha Loch;
 - Woodland rides linking through the mature woodlands in the north of the site;
 - The central area parklands that extend from the burn into the heart of the settlement.
 - Peripheries of the housing where south-facing open spaces meet the woodland edge
- 172 This is considered to comply with the site specific requirement and the active travel criterion incorporated into Local Plan Policy TA1B and CF2.

Green corridors in particular networks to link site with Perth and the wider countryside.

- 173 Green Corridors and networks are delineated in the open space plan of the Masterplan which creates a multi-functional landscape that serves habitat, visual amenity, drainage, play and path networks. Implementation/delivery and

how this relates to the phasing of the development will be particularly important and requires to be integrated into the delivery plan.

Protection and enhancement of biodiversity.

- 174 The woodlands and existing watercourses have significant habitat value. The Masterplan retains, enhances and expands these habitats, through the establishment of an extensive green network within the masterplan. This will enhance biodiversity by connecting habitats, reducing fragmentation or isolation of protected species/wildlife.
- 175 The Bio-diversity officer notes that there are opportunities to further enhance biodiversity that can be incorporated into the detailed phases of development.
- 176 I have already taken account of SNH comments regarding the River Tay SAC (above) however, they have also note that the survey work undertaken to support the Environmental Statement has identified the likely species present on and across the proposed development site. However, it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning applications and any disturbance licences sought from SNH.
- 177 SEPA required further information on Groundwater Dependent Terrestrial Ecosystems (GWTDE) and works to the unnamed artificial pond. This has been provided in the SEI and following further clarification SEPA have recommended conditional control to allow the unnamed pond to be relocated to the SUDS pond location, thereby creating a double pond arrangement.
- 178 The Environmental Statement helpfully highlights a series of measures at Table15.3 Nature Conservation and Ecology Mitigation. I note that these can be incorporated into and secured by conditional control where required to protect and enhance biodiversity.

Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development.

- 179 SNH has concerns about the potential impact on how elements of the scheme relate to the ancient woodland. The acceptability of the water tower location can be looked at and clarified via detailed applications should this come forward. I note the main concern relates to the potential loss of ancient woodland in phase 3 to the east of the site. However, the proposed Bertha Park development currently under consideration will not significantly impact on this ancient woodland. The mapping does however illustrate the potential land take for the potential A9 realignment options that may be required to connect into the junction configuration for the Cross Tay Link Road. The CTRLR configuration would require its own application and would be taken forward separately. It is under that application that the assessment of any ancient woodland loss would require to be considered.

- 180 The Masterplan includes a number of core principles associated with woodland, parkland, water and wetlands. Clarification is required on how path network can be integrated into ancient woodland, in terms of construction and micro-siting to avoid loss of trees but this can be secured by condition. Overall the approach complies with the site specific requirement as well as local plan policy ER6.

New secondary school with potential to provide an all-through school/campus.

- 181 The masterplan allocates land for educational facilities and this has been secured.

Park and Ride site.

- 182 The masterplan allocates land for a park and ride. The land will be secured via a legal agreement.

The extraction of any viable mineral resources prior to development.

- 183 The proposed development requires the removal of minerals from the site to form the required finished ground levels. Ground Investigation work was partially undertaken for the site but the full potential of the mineral resource was not originally provided.
- 184 Policy ER3A - Minerals and Other Extractive Activities confirms that the development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.
- 185 The submission of SEI provides borehole logs from the ground investigation and an identified extraction area associated with the minerals is provided in phase 2. The extent of viable mineral resource extraction still needs to be fully quantified and the removal secured via conditional control.

Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.

- 186 Springfield's Sustainability Statement acknowledges that they are aware of proposals for a potential Biomass power plant to the south of Bertha Park adjacent to the Inveralmond Industrial Estate which would use wood fuel to generate electricity for 11,000 homes within the Perth area. A by-product of the electricity production will be heat in the form of hot water which can provide space heating and hot water to homes and businesses via a district heat main.
- 187 Springfield note that a planning application for the facility has not as yet been submitted but they are keen to investigate this further at the appropriate time as to how their proposals could fit into this and the proposed Perth CHP district heating scheme. They note it is their intention to continue to investigate the

application of this to buildings, particularly for apartments within the village core areas in order to optimise this potential. They are keen to continue to work with Perth & Kinross Council as to the feasibility of new renewable technologies and how this can be incorporated as the development progresses.

- 188 It is planning authority's understanding that the developer of the Biomass Power Plant is not intending to progress with an application. Having reviewed the extent of information submitted it is the Planning Authority's view that the site specific requirement has not been satisfactorily addressed.
- 189 Notwithstanding this, it is likely that Perth and Kinross Council will take forward and investigate the potential for district heating systems with the developers of strategic sites to the north and west of Perth. Taking this into account I consider this matter can be secured through conditional control via the in principle application with the outcomes of the study incorporated into detailed phases of the development.

Sustainability

- 190 Policy EP1 requires sustainable design and construction to be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table (Bronze, Silver, Gold or Platinum). Springfield through their Sustainability Statement and Sustainability Checklists confirm that they will build to the Silver Standard Efficiency Target (as a minimum) at the outset.

Cultural Heritage

- 191 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent listed buildings. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 192 Historic Environment Scotland has confirmed that they agree with the findings of the Environmental Statement and note that there will not be significant effects on the setting of Scone Palace or Huntingtower Castle.
- 193 The Council's Conservation Officer has offered no objection to the proposed development and I am satisfied that the proposed housing development would not have a significant effect on the setting of listed buildings.
- 194 I note that Historic Scotland also confirm the development will not have a significant effect on other assets that fall within their remit (scheduled monuments and their setting, battlefields and historic garden and designed landscapes).
- 195 Consequently the proposal does not contravene policies HE1A or HE2 of the LDP.

- 196 A suite of archaeological features have been recorded from the desk based assessment as well as a walkover survey and evaluation. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural land use. Significantly, the evaluation revealed the prehistoric archaeological features tended to be located on higher, well-drained ground.
- 197 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required. The ES suggests a combination of strip, map and record (to include excavation and subsequent post-excavation analysis) and archaeological monitoring. The detail of this programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust and this can be secured by condition, this would ensure compliance with policy HE1B.
- 198 The LDP through Policy HE4 - Gardens and Designed Landscapes, requires the integrity of sites included on the Inventory of Gardens and Designated Landscapes to be protected and enhanced. In this case the visibility between the site and the Battleby HGDL, Methven Castle HGDL as well as the Scone Palace HGDL is limited by topography and intervening woodland, there is no conflict with Policy HE4.

Waste Collection

- 199 General guidance from the Councils Waste Services team seeks to ensure all properties have the required number and type of bins and adequate space within each property to accommodate the required bins. They also look for the road network to accommodate refuse vehicles to service the site. Conditional control and informatives can be applied to ensure the collection of waste will not be compromised.

Contaminated Land

- 200 A site investigation partially covering the proposed development site has been carried out. The area was identified as being largely agricultural, however the report highlighted an area of possible slurry as well as an area which has been used as a sheepfold.
- 201 Remedial measures have been proposed to address the area of slurry. A gas risk assessment carried out using CIRIA C665 classified the site as 'Characteristic Situation 2'. Further assessment will be required for the area not investigated, particularly around the area of the farm where there is a record of a sheep wash. Conditional control is required to ensure the development complies with local plan policy EP12.

Air Quality

- 202 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to extract the minerals from the site and

to create development pads, are likely to be the main source of dust and particulates as well as construction vehicular movement distributing material within, to and off the site. Dust nuisance can be limited by deploying Best Practice Measures and this should be incorporated into the Construction Environmental Management Plan (CEMP) to help reduce the impact of construction activities.

- 203 Perth and Kinross Council declared the whole of Perth and Kinross an Air Quality Management Area (AQMA) in May 2006 after a detailed assessment concluded that there would be areas of exceedances for NO₂ and PM₁₀ where relevant exposure occurred. A further assessment was completed in 2007 and confirmed the conclusions of the detailed assessment. It recommended that Perth and Kinross Council retain the city wide AQMA for NO₂ and PM₁₀. An associated Air Quality Action Plan (AQAP) has been produced which incorporates aims and measures to reduce levels of NO₂ and PM₁₀ around Perth to below the National Standard, as such any developments which increase levels of the pollutants would be in conflict with the AQAP.
- 204 In support of the application an Air Quality Assessment has been undertaken to take account of the potential impacts in terms of air quality on current and future receptors in the vicinity and surroundings of the proposed development in respect of current and predicted traffic levels.
- 205 The Environmental Health Section initially had concerns with Air Quality Assessment, the accuracy of the model, road emissions, wood burning stoves and the cumulative assessment undertaken. The submission of SEI and clarification from the consultants has addressed the initial concerns and Environmental Health concerns have been alleviated and they no longer object.

Noise

- 206 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 207 Consultation with Environmental Health confirms that there are a number of noise issues arising from this development which have been discussed as part of this application in the Environmental Statement; this includes noise at future and existing receptors due to roads and industry.
- 208 Noise arising from the A9 Trunk road to the east of the site was measured and contours plotted, this showed that the closest residential receptors in Phase 3 would suffer an unacceptable level of noise at their properties, thus a barrier was recommended. Due to the fact this phase is not anticipated to begin construction until 2037, Environmental Health believe it would be wise to reassess noise at the detailed stage, with the design and layout paying heed to the results of this assessment and appropriate mitigation being deployed.

Phase 3 contains the majority of the industrial usage; Environmental Health confirms this should also be assessed when these elements come forward. This can be controlled conditionally.

- 209 At this stage of the planning process the proposal is considered to comply with LDP Policy EP8 – Noise Pollution.

Developer Contributions

- 210 A legal agreement is required to secure infrastructure for Bertha Park, to ensure it complies with Policy PM3 Infrastructure Contributions.

Economic Impact

- 211 The socio-economic assessment within the Environmental Statement has determined that the project will have a positive effect in terms of job creation in the area during the construction period and once the proposed employment land is developed and operational.
- 212 The Environmental Statement estimates that between 60-180 construction jobs will be created during each phase of the development.
- 213 During the operational stage, the population increases are not expected to cause a significant negative impact. For example, during Phase 1, although an estimated 2616 additional residents are expected, the design has incorporated new community facilities, associated public infrastructure and transport services to accommodate the rise in population. In addition, a beneficial effect is expected as a result of the increase in jobs and economic activity. Job opportunities will be provided from the leisure and community facilities, primary and secondary schools and increased demand to council services (i.e. public transport, waste collections and maintenance of utilities etc).
- 214 The Masterplan involves the creation of 25 hectares of employment land for new jobs and businesses. It is estimated that around 300 jobs will be created as a result of Phase 1, with around a further 2,000 jobs created as a result of Phase 3. Policy 3 (Managing TAYplan's Assets) supports employment land within principal settlements
- 215 However having reviewed the phasing the delivery of employment land should be controlled in a manner that allows this to come forward when required rather than leaving this to Phase 3. This can be looked at and secured in the delivery plan and via the Legal Agreement.
- 216 Taking the above into account, the proposal assists in delivering the visions contained within Perth and Kinross Council's Community Plan and Corporate Plan and the City Plan.

Content and Adequacy of the Environmental Statement

- 217 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 218 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA.
- 219 The basic content and the associated background information of the Environmental Statement are considered to meet the basic requirements of those regulations.
- 220 Due to this being a multi-staged approach, through which further details are required to be submitted and formally approved, Council officers are satisfied with the baseline findings at this stage.

LEGAL AGREEMENTS

- 221 A legal agreement is required to secure infrastructure for Bertha Park. The following heads of terms are suggested and require further discussions between the parties:-
- A Delivery Plan.
 - Servicing of Secondary School land.
 - Delivery of Primary School(s).
 - Transport and Transport Infrastructure.
 - Delivery of Park and Ride site.
 - Delivery of Public Transport.
 - Delivery of Serviced Employment Land.
 - Delivery of Affordable Housing.
 - Delivery of Open Space, paths and associated maintenance.
 - Delivery of Community Facilities and Healthcare.
 - Contribution towards a Community Fund.
 - Minerals.

DIRECTION BY SCOTTISH MINISTERS

- 222 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there has been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 223 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the mixed use development at Bertha Park is allocated in the LDP and forms part of the Strategic Development Area of West/North West Perth in TAYplan 2012. The site is well placed to deliver a new sustainable community, serving as a well-connected expansion to the settlement of Perth. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant committed strategic transportation improvements for the wider area.
- 224 It should be noted that the quality of the Masterplan submission and supporting information is of a high standard and has successfully demonstrated Springfield's vision for Bertha Park in creating a countryside community with 3000 homes and all the supporting infrastructure, facilities and amenities demanded by modern life.
- 225 The proposed development is therefore considered to comply with the over-riding thrust of the development if appropriate mitigation is secured by conditional control and legal agreement.

RECOMMENDATION

Approve the application

A Conditions and Reasons for Recommendation

- 1 The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. The application for Phase 1 of the Approval of Matters Specified in Conditions shall be made no later than 2 years from the date of this permission, the application for Phase 2 of the Approval of Matters Specified in Conditions shall be made no later than 11 years from the date of this permission and the application for Phase 3 of the Approval of Matters Specified in Conditions shall be made no later than 21 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for Approval of Matters Specified in Conditions, whichever date is the earlier.

Reason: To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

- 3 No development shall commence on each phase of the development until formal application(s) for the Approval of Matters Specified in Conditions has been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan:-
 - a) The delivery of the development in phases associated with the character areas prescribed in Bertha Park's masterplan.
 - b) Details of all cut and fill operations.
 - c) Details on the removal of mineral resource from the site or on-site use of the mineral resource to ensure the resource is not sterilised.
 - d) Full details of the proposed means of disposal of foul water to serve the development.
 - e) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - f) The siting, design, height and external materials of all buildings or structures.
 - g) Measures to maximise environmental sustainability through design, orientation and planting or any other means.
 - h) Details of any screen walls/fencing to be provided.
 - i) Details of all landscaping, planting, screening, open space and allotments associated with the development.
 - j) Details of play areas and the equipment to be installed.
 - k) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards

required by the Council as Roads Authority (as detailed in the National Roads Development Guide).

- l) The detailed specification of all street and footpath lighting.
- m) Further supplementary noise surveys shall be undertaken to inform the preparation and implementation of corresponding phases and include noise mitigation measures where necessary.
- n) A detailed plan of public access across the site (existing, during construction & upon completion).
- o) A Woodland Management Plan for all woodland areas and timescales for implementation.
- p) Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

The development shall be implemented in accordance with the planning application(s) and the approved details.

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 4 In pursuance of condition 3 c) removal of mineral resource from the site or on-site use of the mineral resource:-
- a) Prior to the extraction of the economic mineral resource to be won on site, the extent of the economic mineral resource shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
 - b) Prior to the extraction of the economic mineral resource a mineral working programme and phasing plan shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
 - c) No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

- 5 In pursuance of condition 3 d), foul drainage for each phase of the development shall be drained to the mains sewerage system or instillation by means of an adoptable sewerage and plant system. The details of which shall be submitted to and approved in writing by the planning authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

Reason: in the interests of public health and to prevent pollution.

- 6 In pursuance of condition 3 e), disposal of surface water:-
- a) Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works associated with each development phase. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.
 - b) For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement.
 - c) Development shall not commence on each phase until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
 - d) Development shall not commence on each phase until the design of all new and existing culverts/bridges and associated features (such as screens) for that phase have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
 - e) Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology,

and how biodiversity from the old pond to the new pond will be translocated.

Reason: In the interests of best practise surface water management, biodiversity, to avoid undue risks to public safety and flood risk.

- 7 In pursuance of condition 3 g), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-

- a) The submission of sustainability checklists.
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority the development phase shall be undertaken in accordance with the approved details.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction

- 8 In pursuance of condition 3 k) future application(s) for development areas within the masterplan shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

- 9 In pursuance of condition 3 i), landscaping, planting, screening, open space and allotments shall be submitted as part of the matters specified by condition application for each phase of development. Details of the schemes shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines and substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.

- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) Details of areas of public open space.
- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: to ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 10 In pursuance of condition 3 n), a detailed plan of public access across the site (existing, during construction & upon completion), for each phase of development, will be provided for the written approval of the Council as Planning Authority and show:

- a) All existing paths, tracks & rights of way.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

- 11 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason:- To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 12 No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason:- To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 13 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at both the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason:- To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 14 No development shall commence until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason:- To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 15 Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of lighting within the site likely to impact on the trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason:- To ensure that there will be no distraction or dazzle to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

- 16 Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of the barrier / boundary fencing and frontage landscaping treatment along the A9 trunk road boundary shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason:- To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

- 17 No development shall commence until a detailed specification for the emergency access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 18 Prior to the completion of each phase of the development, all watercourses on the site Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

- 19 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

- 20 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land, a minimum of a 5m

Maintenance strip either side of the watercourse must be provided along all watercourses (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce floodrisk.

- 21 Prior to the commencement of each phase of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development of that phase shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity

- 22 Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development phases. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:-

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 23 No development shall take place on the development phase until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist in accordance with the approved specification in the last in the 6 months preceding site preparation and construction work commencing. The survey results, a programme of any mitigation measures required as a consequence, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development phase taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 24 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.

- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 25 No development shall take place on the development phase until the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 26 No development shall commence until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.

- 27 No works in connection with the development hereby approved shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of and the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.

- 28 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

- 29 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

| Capacity (litres) | Width (mm) | Height (mm) | Depth (mm) |
|-------------------|------------|-------------|------------|
| 240 | 580 | 1100 | 740 |

Reason: in the interests of the sustainable disposal of waste.

- 30 Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 31 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc., must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: To prevent disturbance from noise.

- 32 Prior to the commencement of development of each phase, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.

- 33 Prior to the completion or bringing into use of any part of the development phase the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the phase of development is brought into use or occupied.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

- 34 Prior to approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

- 35 The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on affordable housing.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 6 The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 8 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to

construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.

- 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 10 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 11 No work shall be commenced until an application for building warrant has been submitted and approved.
- 12 Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.
- 13 Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.
- 14 Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
- 15 Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.

Background Papers: One letter of representation

Contact Officer: John Russell – Ext 75346

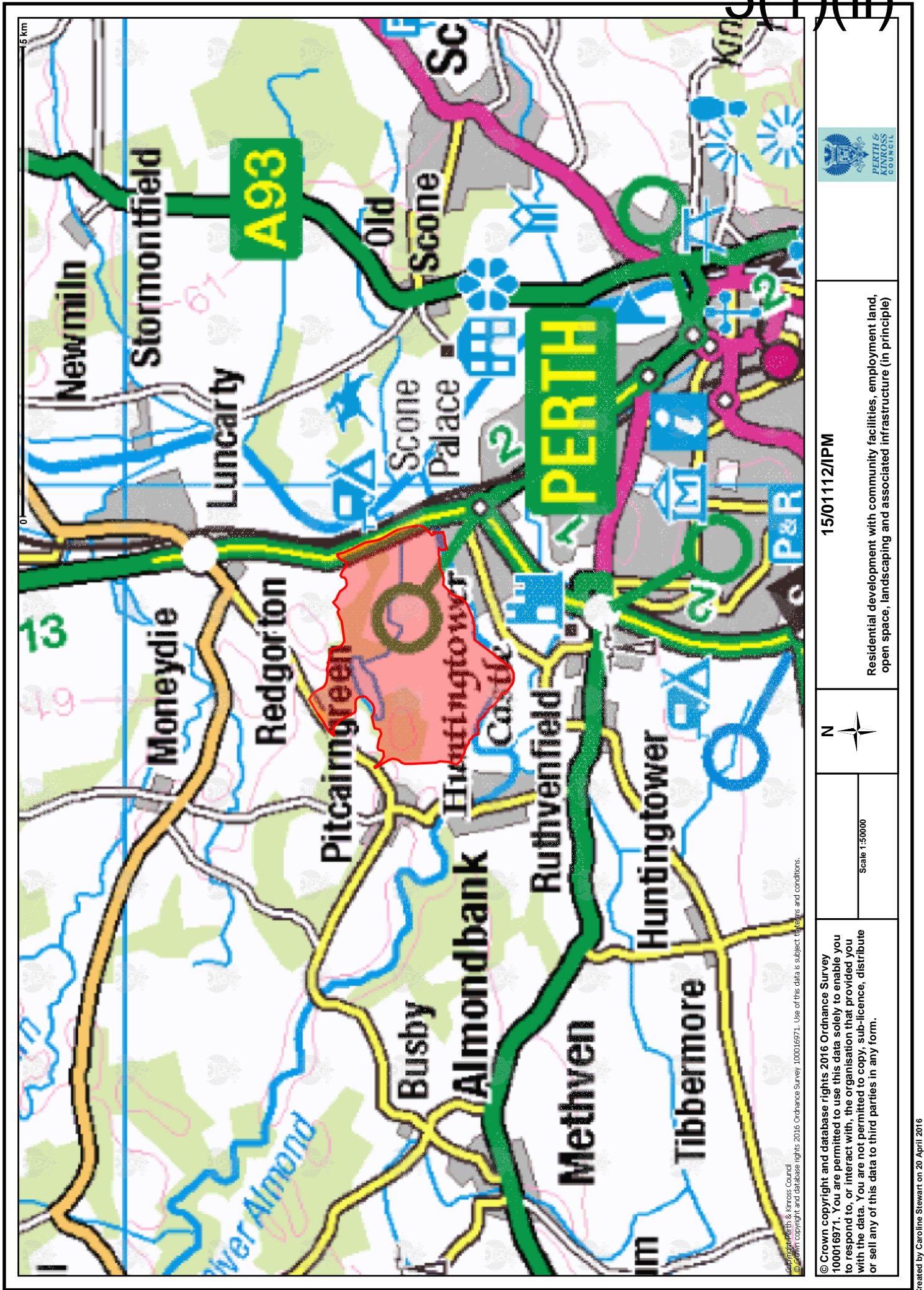
Date: 28 April 2016

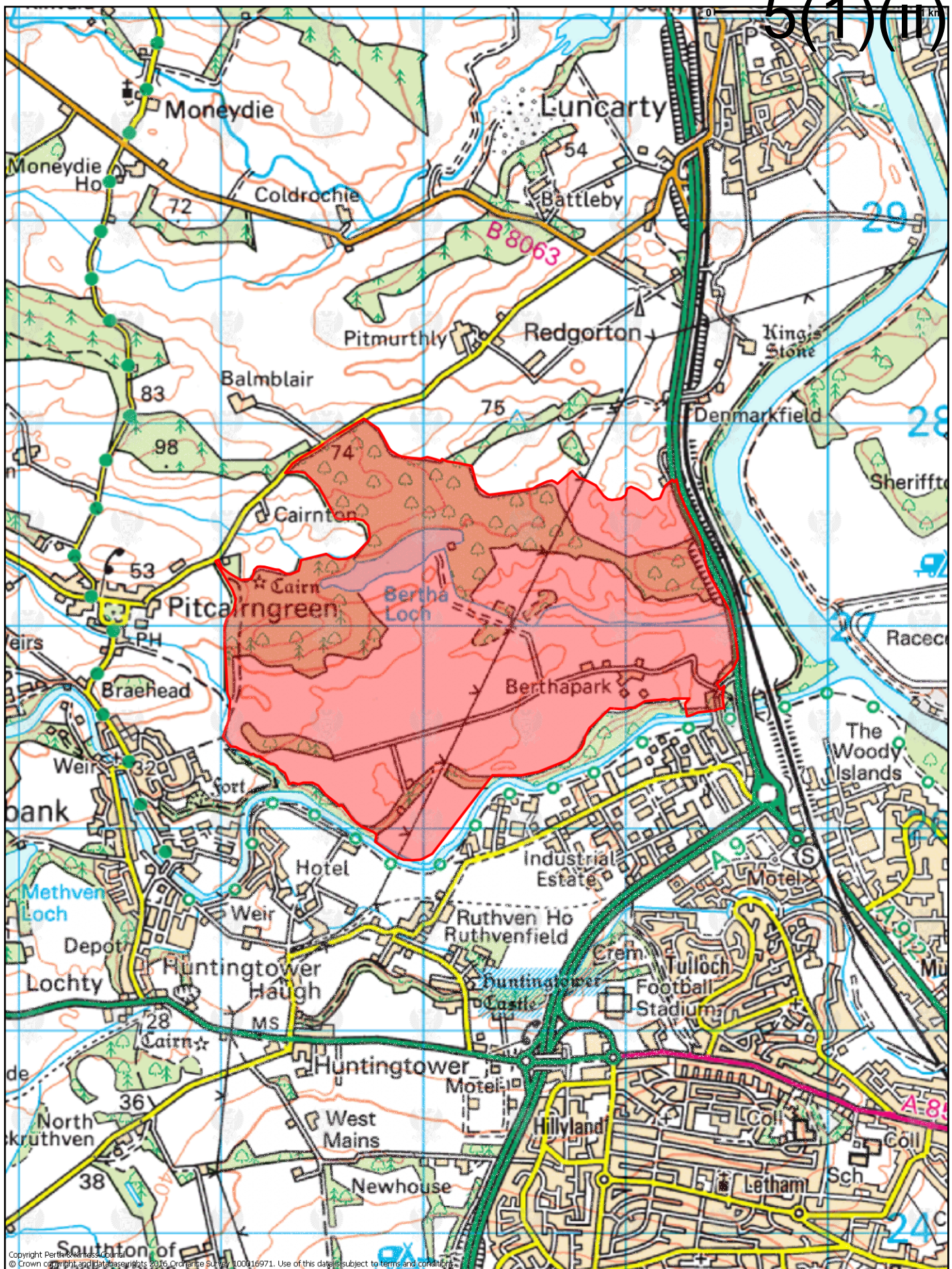
NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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Scale 1:25000

15/0112/IPM

Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)



Perth and Kinross Council
Development Management Committee – 11 May 2016
Report of Handling by Development Quality Manager

Residential development to provide up to 1,500 new homes, a primary school, community facilities, open space, landscaping and associated infrastructure (in principle) at land adjacent to Huntingtowerfield and Ruthvenfield, Perth

Ref. No: 15/01157/IPM
 Ward No: 9 – Almond & Earn

Summary

This report recommends approval of the in principle application to formally establish the principal of residential development and associated uses at land adjacent to Huntingtowerfield and Ruthvenfield (referred to as Almond Valley Village). The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions and associated legal agreement.

BACKGROUND AND PROPOSAL

- 1 The application site is situated to the north west of Perth and covers an area of 159 hectares, set within the lowland river corridor landscape associated with the River Almond and Town Lade.
- 2 Historically the site was a centre of cotton and linen industries including printing and bleaching and much of the landscape reflects this background. The area is characterised by watercourses, both natural and man-made; industrial heritage of rail lines, lades, vestiges of mill workings and workers' cottages.
- 3 The current landscape and context of Almond Valley is characterised by the physical presence of the River Almond to the north and west and framed by a steep embankment to the south. The eastern boundaries of the site are adjacent to existing residential and commercial properties before opening towards the A9 bypass and the Inveralmond industrial estate to the north east. The historical Town Lade dissects the site from East to West.
- 4 Land within the site is predominantly made up of low lying arable and grazing land with the occasional historic building group and more recent housing clustered at Huntingtowerfield. The landscape varies outwith the boundaries of the site, including open fields to the south and north with business units immediately to the east and west. Almondbank village is situated further west. An area known as Berthapark lies further north of the site and is identified in the Local Development Plan for 3,000+ dwellings and associated infrastructure), separated by the River Almond. This allocated site is also subject of a planning application for mixed use development including 3,000 dwellings and is also subject to a report elsewhere on this agenda.

- 5 Existing man made features within this site include Huntingtower Hotel, a prominent feature on the landscape, with a modest country house setting. South east of the site is Huntingtower Castle, an A Listed building and tourist attraction. Overland power lines pass through the site along a south west / north east alignment and an underground gas main passes through on a north to south dog leg.
- 6 Current vehicular access into the site consists principally of 2 junctions accessed from the A85, Crieff Road, with a tertiary road which snakes through the site and links up with Inveralmond Industrial Estate and the A9 at the Inverlamond roundabout. New vehicular access to the site will also be achieved off a roundabout which forms part of the A9/A85 road improvements approved under planning application (15/00036/FLL) in March 2015
- 7 Historically, planning applications have been submitted on this site with the most recent in 2008 (08/00678/IPM - Mixed use development including residential for 1,800 dwellings, a primary school, leisure, retail and office facilities and associated road works and landscaping). This application was refused by Development Management Committee in January 2012. A subsequent appeal to Scottish Ministers was also refused as was a High Court challenge to the decision taken by the Scottish Ministers.
- 8 The proposed site forms the majority of the site allocated (H73) in the Perth and Kinross Local Development Plan (LDP) 2014 for mixed use development of 1,500 dwellings (approx.) and a Primary School. This proposal seeks to formally establish the principle for the development of a new satellite village, serving the north west of Perth with the submission of a Masterplan, indicative site layout plan and phasing plan. The proposed new village comprises the following uses:
 - Residential development of up to 1,280 houses.
 - Primary school provision.
 - Community facilities including retail/local centre.
 - Open space.
 - Play areas.
 - Sports pitches.
 - Community woodland.
 - New vehicular and pedestrian routes including connecting to recently approved A9/A85 link road.
- 9 The exact scale, mix and final numbers relating to the above uses will be arrived at through the production and submission of further detailed planning applications with associated supporting information.

- 10 The application has been accompanied by a supporting design and access statement, pre-application consultation report, sustainability checklist and environmental statement.

Environmental Impact Assessment (EIA)

- 11 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. An Environmental Statement was therefore prepared to fully assess any environmental issues likely to arise as a result of the proposals and any mitigation measures which need to be considered in this regard.

Content and Adequacy of the Environmental Impact Assessment

- 12 The purpose of the EIA is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 13 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA.
- 14 The basic content and the associated background information of the Environmental Statement are considered to meet the basic requirements of those regulations.
- 15 Because the application is 'in principle' at this stage there were several areas of the Environmental Statement, which will require further development and updating, particularly flooding, transportation and biodiversity/natural habitat, noise and air quality when the detailed design stages are submitted in any matters specified by condition planning applications. At this stage both internal and external consultees are satisfied with the baseline findings at this stage.

PRE-APPLICATION PROCESS

- 16 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Report on Community Consultation.
- 17 A two day public consultation events was held at the Huntingtower Hotel in October 2014 to allow members of the public the opportunity to make comments on the proposal and contribute to the Masterplan process. A follow-up event was also held to communicate the final Masterplan. In addition specific meetings have been held with other stakeholders relevant to the

proposals, including Methven Community Council, local business and community groups.

NATIONAL POLICY AND GUIDANCE

- 18 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

The Scottish Planning Policy 2014

- 19 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans.
- The design of development, from initial concept through to delivery.
- The determination of planning applications and appeals.

- 20 Of relevance to this application are;

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

- 21 A successful Sustainable Place

- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

- 22 A Natural, Resilient Place.

- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

- 23 A Connected Place

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

- 24 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

- 25 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 26 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 27 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.
- 28 The following documents from Historic Environment Scotland (HES) are also of importance in the determination of the application given the historic significance of sites within and surrounding the site:-
- Scottish Historic Environment Policy July 2009 (SHEP)
 - Managing Change in the Historic Environment Guidance Series

DEVELOPMENT PLAN

- 29 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 30 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 31 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1 – Location Priorities

- 32 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

Policy 2 – Shaping better quality places

- 33 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan’s Assets

- 34 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 4: Strategic Development Areas

- 35 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area to the West/ North West of Perth for 4000+ homes and 50ha of employment land.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 36 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 37 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 38 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 39 The LDP sets out a vision statement for the area and states that:
- “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 40 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 41 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 42 All proposals should meet all eight of the placemaking criteria.

Policy PM1C - Placemaking

- 43 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 44 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 45 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED1A - Employment and Mixed Use Areas

- 46 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy RD1 - Residential Areas

- 47 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 48 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1A - Transport Standards and Accessibility Requirements

- 49 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 50 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public

transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 51 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 52 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy CF3 - Social and Community Facilities

- 53 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 54 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 55 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 56 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 57 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1A - International Nature Conservation Sites

- 58 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 59 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

- 60 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 61 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 62 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 63 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 64 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 65 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 66 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 67 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 68 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 69 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP3D - Water, Environment and Drainage

- 70 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP8 - Noise Pollution

- 71 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP11 - Air Quality Management Areas

- 72 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 73 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Policy EP15 - Development within the River Tay Catchment Area

- 74 Nature conservation in the River Tay Catchment Area will be protected and enhanced.

OTHER POLICIES

- 75 The following supplementary guidance and documents are of particular importance in the assessment of this application.
- Tayside Landscape Character Assessment (TLCA) 1999.
 - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Employment and Mixed Use Areas Supplementary Guidance May 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
 - Perth and Kinross Retail Study 2014.

Perth & Kinross Community Plan (2006 – 2020)

- 76 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 77 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

Perth and Kinross Local Transport Strategy

- 78 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

79 The Perth City Plan 2015 – 2035

This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

Planning Site History

- 80 03/00212/OUT - Mixed use development including residential, commercial, educational, recreational and retail development with associated road works and landscaping– Application withdrawn prior to determination.
- 81 08/00678/IPM Mixed use development including residential, commercial, educational, recreational and retail development with associated road works and landscaping. Application refused by Development Management Committee January 2012. Subsequent appeal refused by Directorate of Planning and Environmental Appeals (DPEA).
- 82 15/00546/IPM Mixed use development including residential, commercial, educational, recreational and retail development with associated road works and landscaping– Application withdrawn prior to determination to rectify a land ownership notification issue.

CONSULTATIONS

External

Transport Scotland

- 83 No objection to the proposal. The Transport Assessment does not include an assessment of the wider impact the proposal will have on the Broxden and Inveralmond Roundabouts. As a consequence of modelling work undertaken by Perth and Kinross Council they have recommended a series of conditions and a financial contribution required to be imposed with any planning permission.

Historic Environment Scotland (HES)

- 84 Object to the proposal unless a condition is included with any planning permission that seeks to protect the scheduled monument located on the south side of the A85 as the masterplan and indicative layout may affect it.

Scottish Environmental Protection Agency (SEPA)

- 85 Following several months of discussion and further work SEPA have now have no objection to the proposed development on flood risk grounds. They are satisfied that the consultant's model output is now appropriate for establishing a development layout as shown in the indicative layout plan which will avoid greenfield areas currently at risk to 1:200 year fluvial flood from the Pow and Gelly Burns, the Town Lade and the River Almond.
- 86 The development of Almond Valley Village site is expected to progress in phases over many years flood statistics and design flood estimation techniques may change, SEPA recommend as each phase comes forward there should be consideration of a need to update the submitted Flood Risk Assessment. Any updated FRA's should also consider the potential flood risk from surface water, groundwater and Scottish Water infrastructure and also take account of local field drainage.
- 87 SEPA also advise that the River Almond has areas of active erosion which should be monitored and taken into consideration as phases of the development reach detailed planning stage. Changes in design flow statistics and channel configuration can impact on flood levels and the risk of flooding therefore it is important that development layouts and development levels are based on the best and most up to date available information when detailed applications are submitted.
- 88 Due to previous activities on a site adjacent to the application site SEPA recommends a radioactivity walkover survey should be carried out and this can be controlled by way of a planning condition.

Scottish Natural Heritage (SNH)

- 89 No objection to the proposal and development can be progressed to the detailed stages provided the mitigation measures referred to in the ES are brought forward and conditioned.

Scottish Water

- 90 No objection to the proposal. Turret Water Treatment Works currently has capacity to service this proposed development.

Health & Safety Executive

- 91 No objection to the proposal.

RSPB Scotland

- 92 No response received.

Forestry Commission Scotland

- 93 Are satisfied with the woodland work proposed within the EIA and have no objections to the proposal.

SportScotland

- 94 No objection to the proposal. Based on predicted pupil numbers they recommend that the proposed primary school contains at least 1 natural and 1 synthetic sports pitch or 3 natural pitches (60m x 40m).

Perth & Kinross Heritage Trust (PKHT)

- 95 No objection, subject to appropriate conditions, including an archaeological programme of works and a condition relation to sensitive design near scheduled monuments especially the Huntingtower Cairn south of the A85.

Methven & District Community Council

- 96 Consider the current proposal unsupportable. Consider that the competing proposals at Berthapark and Perth West are more preferable. They raised the following concerns:
- Is contrary to existing residents wishes.
 - Unnecessary to achieve the objectives of the LDP.
 - Threat to conservation needs of the River Almond and Town Lade.
 - Development on flood plain.
 - Land ownership issues

Tulloch Residents Association

- 97 No response received.

Internal

Environmental Health

- 98 Initially raised concerns regarding lack of information submitted in terms of air quality and noise. They have revised their position to 'no objection' as much of the required information can only be produced at the detailed design stage and not at the 'In Principle' stage. They recommend suspensive conditions be applied to any consent to deal with air quality and noise.

Land Quality Officer

- 99 Due to historical and previous uses within the site there are some potential contamination issues. To deal with this potential issue a condition is recommended to be applied to any decision.

Biodiversity Officer

- 100 No objections to the proposal. The proposal covers an area of predominantly agricultural land with limited biodiversity value. The highest biodiversity value is along the watercourses such as the River Almond, the East Pow and the Town Lade.
- 101 Mammal, breeding bird and bat activity surveys will require to be updated prior to any further applications for different phases of the development as such surveys normally have a limited life of 18 months before they are no longer valid. The Bat survey includes recommendations for further survey work which should be made a condition of any approval, as should the recommendations contained in Table 7.1 of the ES.
- 102 The masterplan indicates that there are decent buffers between the development and watercourses which will help protect the wildlife value of these green corridors. There are mature trees across the site that should be protected and conserved on site wherever possible.

Flood Risk and Structures

- 103 No objections and is satisfied with the competency of the Flood Risk Assessment and Drainage Strategy. Specific conditions are recommended at detailed matters stages to ensure there is no flood risk to existing and future residential properties.

Community Greenspace

- 104 No objection and confirmed that 2 full sized grass pitches are required for community uses in addition to the pitch proposed for the primary school. They are supportive of the intention to integrate open space within the neighbourhood and ensure they are within easy reach of the housing areas and to link them through the path network.
- 105 For the detailed applications more detail will need to be provided to ensure all greenspace provides a clear set of functions within the design and plans should highlight the intended purpose of all landscape areas. Any leftover spaces, lacking a clear purpose, should be avoided. Public open spaces should be well located, well designed and adaptable. Garden ground should be clearly distinguished from public open space.
- 106 Community Greenspace are supportive of the intentions to improve path links along the river and lade and potential to create a new path along the old railway

line and connect to neighbouring developments, these paths and indicated within the masterplan.

- 107 Detailed plans should include an extensive path provision for pedestrians and cyclists within the site and connecting to the site, to provide in particular, safe routes to greenspaces, schools and other community facilities and allow for those commuting by bike to work in Perth. Paths for cyclist and pedestrians should be a minimum width of 2.5 m and ideally will be within a wider green corridor.

Tree Officer

- 108 The Tree and Woodland Survey is an accurate and detailed representation of the trees and woodlands within and adjacent to the proposal area. It is proposed to retain the existing tree and woodland framework and to incorporate this as an integral part of the future development of the site and this is supported.
- 109 The survey makes recommendations for the Root Protection Area (RPA) and also a dwelling standoff distance. The Root Protection Area and standoff distance is a welcome recommendation which applies common sense distances between the woodland edges and the building line for dwellings. The inclusion of a stand-off distance will reduce the number of requests to prune or remove trees once the development is complete. Accordingly I would strongly advise this recommendation is adhered to and that no dwellings are constructed closer than the standoff distance identified in the tree and woodland survey.

Waste Services

- 110 No objection to the proposed development. They have provided recommendations and suitable conditions regarding bin types and storage for different dwelling types.

Developer Negotiations including Affordable Housing and Transport Infrastructure

Affordable Housing

- 111 Requirement for 25% of total number of houses to be affordable units. An appropriate condition to reflect this should be included with any planning approval and Section 75 Legal Agreement. The phasing and tenure of affordable housing delivery will be determined through future detailed applications.

Primary Education

- 112 In line with the Councils Developer Contributions Supplementary Guidance a financial contribution towards increased primary school capacity has been identified. Ruthvenfield Primary School has a capacity constraint and the scale

of the proposal requires the delivery of an appropriate area of land for a new primary school and a financial contribution based on the final development numbers.

- 113 As the application is “in principle” it is not possible to provide a definitive answer at this stage what the final primary education requirement will be. This will require further discussion between the applicant and the Council and will be subject to a Section 75 legal agreement being required.

Transport Infrastructure

- 114 The Council’s Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning approval.

Transport Planning

- 115 No objection to the proposal. There is an opportunity to utilise the existing Public Transport network that operates close by the proposed development by rerouting buses through the proposed development areas; augmented with additional journeys at key times.
- 116 Significant constraints currently exist in terms of available capacity on the A85 corridor (Service 15 Crieff - Perth) along with limitations in the remainder of the network that currently offers limited off peak and evening services. It is therefore proposed that a developer contribution be paid after the occupation of the first 50 units and thereafter phased to reflect the requirements of the various parts of the development that come forward. This will allow the existing network to be expanded to offer the same level of basic service proposed for the Berthapark proposal, namely hourly Monday to Saturday 0700 to 1900, and provide for additional capacity on Service 15.
- 117 In addition to new local bus services, appropriate provision for passenger waiting facilities will be required both on the A85 trunk road and the local road network along with adequate walking links between trip start and end points. It is anticipated that details regarding the exact location and specification of these facilities will be agreed as part of future detailed planning applications and associated roads construction consent applications.

Enterprise Officer

- 118 Proposal is in line with current national, regional and local policies in terms of economic development. There will be a positive economic impact both during construction and after. Some negative impact is expected during construction but this will be temporary.

REPRESENTATIONS

119 The application has attracted 85 representations against the proposals. The previous 15/00477/IPM application which was withdrawn attracted 72 objections. Incorrect advice was provided in the media that any representations from 15/00477/IPM would carry forward onto this application. Between the two periods of representations the following issues were raised by the objectors:

- Against principle of development.
- No need due to other surrounding developments (Berthapark, Perth West, Oudenarde, Luncarty, Broxden).
- Projected population figures by Scottish Government too high.
- Excessive scale.
- Loss of countryside - Green lung of Perth.
- Adverse impact on quality of life for existing residents and visitors.
- Building site for 25 years.
- Adverse impact on paths for walkers and cyclists.
- Adverse impact on biodiversity.
- Loss of agricultural land.
- Noise from adjacent land uses e.g. Vector Aerospace.
- Adverse impact on air quality.
- Flood Risk – development on flood plain behind flood protection works.
- Inadequate transport infrastructure.
- Adverse impact on existing housing.
- Adverse impact on existing school.
- Lack of community consultation.
- Lack of jobs in area.
- Erosion of river bank.
- Lack of greenspace and play areas.
- Adverse impacts on town lade.
- Land/Tenant ownership issue.
- Impact on property values.
- Lead to no sense of community.

- Adverse impact on health of existing residents.
- Adverse impact on Huntingtower Castle.

Response to issues

- 120 The Appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

| | |
|--|--|
| Environment Statement | Submitted |
| Screening Opinion | Scoping Undertaken |
| Environmental Impact Assessment | Submitted |
| Appropriate Assessment | TAY SAC – Appropriate Assessment included |
| Design Statement/Design and Access Statement | Submitted |
| Report on Impact or Potential Impact | Submitted as part of the Environmental Statement; including Flood Risk Assessment, Transport Assessment and Landscape and Visual Impact Assessment |

APPRAISAL

Policy

- 121 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 122 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 123 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.

- 124 TAYplan Policy 4 (Strategic Development Areas) is of particular importance as well as the site specific requirements contained in the LDP. The other relevant policy considerations are outlined in the policy summary section above and is considered in more detail below.
- 125 TAYplan sets the strategic framework for the LDP under Policy 4 and identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross to meet the projected population growth by identifying three strategic development areas at North West Perth, Oudenarde and Invergowrie at the James Hutton Institute. Almond Valley Village is located within the North West Perth Strategic Development Area. Therefore the principle of development as proposed with this application is considered acceptable because it is consistent with the aspirations of TAYplan Policy 4.
- 126 The LDP further establishes the principle of development by allocating the Almond Valley Village site for mixed used development (H73) for 1,500+ houses, primary school and community facilities. The principle of the uses proposed in the application submitted is consistent with LDP allocation and as a result the principle of development is considered to be acceptable.
- 127 It is important to note that two parcels of the allocated site in the LDP are not included in the red line boundary of the application site. These two parcels of land are under separate landownership and the current proposal does not prevent them from coming forward at a later date. Pre-application discussions are ongoing for the remainder of the LDP application to come forward as a planning application. Notwithstanding this, there are a number of site specific developer requirements, as detailed in the following table that require detailed assessment.

| Ref | Location | Size | Number |
|-----|-----------------------|--------|---------------------|
| H73 | Almond Valley Village | 150 ha | 1,500 approximately |

Site Specific Developer Requirements

- ⇒ A Masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing and community land.
- ⇒ Flood Risk Assessment
- ⇒ Delivery of a suitable road access through the site from Site E38 into Site H7 across the River Almond (phasing details to be agreed).
- ⇒ Facilities to enable connection to Perth's bus network.
- ⇒ Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- ⇒ Green corridors in particular networks to link the site with Perth and the wider countryside.
- ⇒ Enhancement of biodiversity.
- ⇒ Integration of existing landscape framework into the development.
- ⇒ New Primary School provision.
- ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure using renewable resources.

⇒ A Construction Method Statement shall be provided where a development site will affect a watercourse. The methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.

⇒ Where a development site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required, so as to ensure no adverse effects on the River Tay Special Area of Conservation

SITE SPECIFIC REQUIREMENTS

- 128 These requirements will be assessed in turn and many will address concerns raised by objectors.

A Masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, and community land.

- 129 A Masterplan including indicative layout plan and phasing plan for the majority of the LDP allocated site has been submitted as part of this 'In Principle' application. This sets out the principal components, uses and estimated timescales of the proposed development.
- 130 The Masterplan identifies 21 phases of residential development within the Almond Valley site which are further defined by structural and buffer landscaping that takes account of existing and proposed landscape components to ensure there will be not be a significant impact on existing residential and commercial properties within and near the site. Landscape and buffer planting is proposed to be established from the commencement of development of Phases 1-3 and two years prior to the start of each of the other phases.

Phases 1-3

- 131 The first three phases are located centrally within the site immediately west and adjacent to the proposed Primary School and Local Centre. Initially it will be accessed from the proposed new roundabout off the A85 before the first roundabout off the new A9/A85 road is constructed. A large village green is also proposed at this location to help create an attractive central village area within the development. The housing for these phases is proposed to be medium to high density owing to their central location within the proposed village. The development of Phases 1-3 along with the primary school, local centre and village green will form the village core and help create a sense of identity for the following phases.

Phases 4 - 21:

- 132 The remaining phases expand out sustainably from the central area of Phases 1-3 and the Primary School and Local Centre towards the north, west and the south.

- 133 Five phases of development are proposed in between the River Almond and the Town Lade. These phases are expected to be delivered following completion of the new A9/A85 Road to prevent construction activity travelling through any of the established residential areas within the valley site. Also included within this area of the site are the proposed sports pitches and pavilion. The sports pitches will be located within an area of recorded flood risk.
- 134 Four phases of development are proposed to the south west of the village centre close to the A85 and construction is predicted to begin within years 5-6.
- 135 Six phases are proposed west of the village core towards the River Almond and existing industry including Vector Aerospace. The estimated years of development will be years 9-12.
- 136 It is expected that as development moves out from the central core the density will drop from higher to medium/low density residential.
- 137 To the north west of the valley and beyond the River Almond there is a large parcel of land at the eastern edge of Inveralmond Village that is also proposed to be housing and its expected delivery timescale is year 14-15. It is also expected that this phase can deliver a connection into the Berthapark site.
- 138 South of the A85 is also a large area of proposed residential that is expected to be delivered in years 15-17. This area relates better to the Perth West allocation and is slightly compromised by an existing scheduled monument (Huntingtower Cairn). Care will be required to ensure this scheduled monument is protected and not adversely impacted by development. Both Historic Environment Scotland and Perth and Kinross Heritage Trust have agreed a planning condition that should ensure the scheduled monument is suitably protected.
- 139 Immediately east of this phase is an existing area of employment and to ensure their operations are not compromised a buffer area is recommended and this can be controlled by way of a planning condition.
- 140 There are two areas of land along the western boundary of the application site that are difficult to access and therefore no significant development is proposed at these locations other than potential community woodland and a possible skate park (if required). These areas could also potential support some allotment development.

Indicative Build out Rate:

- 141 Based upon the submitted Indicative Phasing Plan provides an estimated of 73 homes being completed per annum and the development of all the phases is anticipated to be built out over a 15 to 17 year time period.
- 142 The Proposed Masterplan and Phasing Plan analyses the sites assets and constraints and looks at delivering a village core area where one does not presently exist whilst maintaining its relationship and connection with Perth and

the surrounding hinterland. It is considered that the Proposed Masterplan and Phasing Plan sets out an acceptable vision, timescale and platform to create a new village and create a stronger identity for Almond Valley that is deliverable without a significant impact on existing residents and companies.

- 143 The phasing strategy sets out how the areas of land are to be released and their provisional timescales. Because the application is 'In Principle' at this stage there are other triggers associated with the delivery of on and off-site infrastructure that need to be taken into account in greater detail. While some of these issues will likely be secured by legal agreement it will also be necessary to secure a detailed phasing or delivery plan by way of conditional control.

Flood Risk Assessment

- 144 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 145 The site is located within an area with a history of flooding, a fact which is acknowledged in the LDP and ongoing flood protection works by Perth and Kinross Council. Areas of the site are at risk of flooding from the River Almond, the East Pow Burn, the Gelly Burn and the Perth Town Lade. The Town Lade is a man-made watercourse which runs through the centre of the site from east to west, with an intake structure on the southern bank of the River Almond, immediately upstream of Low's Work Weir.
- 146 A Flood Risk Assessment (FRA) has been undertaken and is included in the applicant's ES. Considerable time has been spent by the Councils Flood Risk team and SEPA who have carefully examined the FRA. The Council's Flood Risk Officer raised no objections to the proposal but has recommended several conditions are imposed with any consent to ensure there is no flood risk to existing or proposed properties. SEPA initially raised an objection to the proposal but following significant modelling work by the applicant and several meetings they are now in a position to **remove their objection** to the proposed development on flood risk grounds subject to the imposition of conditions.
- 147 SEPA initially had concerns relating to the baseline modelling study for the proposed site. The model output showed significantly less inundation on the site than previous studies including those to support the Almondbank Flood Protection Scheme; and the approved A9/A85 Link Road. Following a meeting in December 2015 between SEPA, the applicant and the Council it was agreed that there should be an exchange of models so that all parties could check and determine the reasons for the significant differences in the outputs.
- 148 Further meetings were held with SEPA to consider the difference in the outputs between the available models. It was agreed that the main difference between the results was due to the representation of Low's Weir in the model. SEPA

visited the site in January 2016 to observe the River Almond at Low's Weir and have confirmed that the applicant's hydraulic model now provides a closer representation to reality for water levels in the area around Low's Weir compared to other currently available models for the River Almond as the flood levels in the area around the weir largely determines the flow of water overtopping onto the application site. SEPA confirm they are now satisfied that the flood inundation map prepared by the applicant for the pre-development scenario for the 1:200 year flood risk is the best available information available at this time to inform the development layout.

- 149 Early in the application process SEPA also clarified its position on new development on functional floodplain behind flood defences and identified that additional modelling was required to satisfy them that the risk of flooding to the development site was fully understood and taken into account. Following updates to the modelling work it is SEPA's understanding that the model instability issue has now been addressed.
- 150 The modelling work and associated report contains a flood inundation map for the 1:200 year flood risk on the existing application site and confirms that no built development will take place within the land adjacent to the Pow Burn currently shown to be at risk of flooding. This is important as it is one of the factors that allows SEPA to withdraw their objection to the planning application.
- 151 There is an existing flowpath for floodwaters to be conveyed from the Pow Burn to the Perth Lade. It is agreed that a similar pathway will be maintained within the development layout which should ensure that any proposed built development will be outwith any flow path of fluvial or surface water.
- 152 It has also been agreed that the out of bank flowpath will be incorporated into proposed open space and the current proposal is that the floodwater flowpath will lead towards the proposed SUDS basin location. The exact details of the green space requirements will need to be agreed at detailed planning stage.
- 153 The post development topography for the model has been updated to include the Councils flood prevention scheme, currently under construction, and the approved A9/A85 Link Road with its new river crossing, the breached flood embankment on the north bank of the River Almond, culverts through the road embankment and lowered areas to formalise overland flowpaths to the culverts. It has been agreed that the existing greenfield areas behind the proposed flood defences that are currently at risk of flooding will remain undeveloped or be replaced so that a potential flowpath will be maintained within green space in the site layout ensuring that there should be no significant risk from residual flooding to the proposed built development.
- 154 Low lying greenfield areas of the application site currently receive some protection from a raised pedestrian path along the River Almond which will also be adopted as green space in the development layout to ensure that the new houses are not located in areas of significant flood risk.

- 155 SEPA has previously expressed concern about the risk of river bank erosion at the north-east corner of the application site and is immediately upstream of the proposed new road crossing over the River Almond.
- 156 Part of the planning approval for the new Link Road and Bridge is that the right bank of the River Almond will also be raised in this area to reduce the risk of flooding due to elevated flood levels. The final bank levels can be reviewed at the detailed design stage of the proposed development as well as some land raising across this area of the site as housing is proposed in this area of the site. The right bank of the River Almond has some erosion bank protection in place in the form of gabion baskets but may be coming to the end of its expected life expectancy. SEPA have noted on a site visit that the river bank has been undercut in some places and the gabion baskets have failed and collapsed. They also note that at the upstream end of the bend there are gabions installed half way across the channel bed. These are also showing signs of some collapse. SEPA therefore strongly advises that it is important that a further assessment of flood risk in this area of the site is undertaken after the completion of the new Link Road, Bridge and associated erosion mitigation works as this may have implications in determining the extent of flood risk and as such the developable area.
- 157 I would advise that it has been and will continue to be Perth and Kinross Council's requirement to maintain the river bank and ensure however there is a low risk of flooding or that any failure of this bank could impact on the flood risk to any houses constructed in this area. This stretch of the River Almond is monitored regularly by Perth and Kinross Council.
- 158 Considerable time and work has been undertaken by the applicant, the Councils Flood Prevention Team and SEPA to resolve the issues raised by SEPA and we are now in a position where there is no objection from SEPA on the grounds of flood risk. This now means the proposed development is considered to comply with LDP Policy EP2 – New Development and Flooding and allows the proposal to come forward to detailed design stage. Both SEPA and Flood Prevention recommend several conditions be included with any permission to ensure there is minimal flood risk to the site including existing residents.

Delivery of suitable road access through the site from E38 into Site H7 (Berthapark) across the River Almond

- 159 The proposed Masterplan shows a route through the site from the A85 and connecting up with the approved A9/A85 Link Road which provides connection to both the allocated employment site (E38) at Inveralmond Industrial Estate and H7 (Berthapark) via an roundabout.
- 160 One of the later phases of this proposal and Almondbank also provides the opportunity to connect up with the Berthapark development.

- 161 The proposal in conjunction with the approved Link Road will ensure there is connectivity between all the allocated sites in the area and the wider Perth area.

Facilities to ensure connection to Perth's bus network.

- 162 Further analysis as part of future detailed applications to ensure that public transport is available from the earliest possible stage of development will be required. This should also include the provision of passenger waiting facilities throughout the development.
- 163 Both the Council's Transport Planning and Public Transport Sections agree that the provision of public transport is required at an early stage to promote sustainable transport modes of travel and provide transport for those without access to a car. A funding mechanism to provide for new public transport service during the build out of Phase 1 of the development can be secured by legal agreement and has been included in the Draft Heads of Terms and this has been agreed by the applicant.

Network of paths and cycle routes providing good active travel links to Perth and Almondbank.

- 164 The Transport Assessment assesses the proposed walking and cycling provision within the site with good potential for these modes to provide meaningful levels of trips.
- 165 Almond Valley is located within and adjacent to a network of existing core paths and cycle routes including National Cycle Route 77 along the river bank. The Masterplan and indicative Footpath Plan takes account of these paths and integrates with the paths to provide an off-road traffic free route to the centre of Perth and the surrounding hinterland.
- 166 The Masterplan also provides an additional opportunity for routes within the site through landscape corridors and there is also the potential to connect one of the later development phases with the Berthapark development to the north. This new path network connecting with the existing network is considered to comply with the site specific requirement and the active travel criterion incorporated into LDP Policies TA1B and CF2.

Green corridors in particular networks to link site with Perth and the wider countryside.

- 167 Green Corridors and networks are shown in the Masterplan which will create a multi-functional landscape that serves habitat, visual amenity, drainage, play and path networks as well as landscape buffering in between the phases of development. Both Community Greenspace and the Councils Biodiversity Officer are supportive of the proposed green corridors.
- 168 The delivery of these green corridors and landscape buffers and how they relate to the phasing of the development will be particularly important and

require to be integrated into the delivery plan which can be controlled by way of condition at this stage of the planning process.

Protection and enhancement of biodiversity.

- 169 The Masterplan retains, enhances and expands these habitats, through the establishment of extensive green corridors within the Masterplan. This will in turn enhance the biodiversity by connecting habitats and greater protection of any species/wildlife in the area.
- 170 The Councils Biodiversity Officer has confirmed that the proposal covers an area of predominantly agricultural land with limited biodiversity value. The highest biodiversity value is along the watercourses such as the River Almond, the East Pow and the Town Lade.
- 171 The proposal looks to enhance and expand these habitats, through the establishment of an extensive system of green corridors within the Masterplan. This will in turn enhance the biodiversity by connecting habitats and provide greater protection of any species/wildlife in the area. The Masterplan also indicates that there are decent buffers between the development and watercourses which will help protect the wildlife value of these green corridors. There are mature trees across the site that should be protected and conserved on site wherever possible.
- 172 SNH have confirmed that the development site is adjacent to the River Almond which forms part of the River Tay Special Area of Conservation (SAC) and is important for otter, salmon, and brook, river and sea lampreys and. The creation and occupation of the proposed number of houses, school and other community facilities has, without adequate mitigation and management the potential to reduce the water quality of the River Almond and Perth Lade.
- 173 SNH have reviewed the proposal and ES and in their view, the proposal could be progressed to the detailed stages as long as mitigations described in Appendix 11.5 'Report to inform Habitat Regulations Appraisal' of the ES are brought forward and conditioned into the phased development at detailed application stage.
- 174 SNH understand the significance of this long term expansion area and that it will provide many opportunities to improve quality of life and place for people and biodiversity.
- 175 Based on the advice received from both SNH and the Councils Biodiversity Officer it is considered that provided the appropriate mitigation is achieved the proposal will actually enhance the biodiversity of the area and therefore result in a positive impact for both existing and future residents. The Environmental Statement helpfully highlights a series of mitigation measures at Table 11.5.3 and these can be secured by conditional control to protect and enhance biodiversity.

- 176 The creation of green corridors in particular will provide wildlife habitats where they do not presently exist due to current farming of the land. Therefore the proposal is considered to comply with LDP Policy NE3-Biodiversity.

Integration of existing landscape framework into the development

- 177 SNH have confirmed that the proposal and in particular the area around the Perth Lade has the potential to provide the development with a significant and attractive feature, rich in wildlife, of recreational and landscape benefit. It is an identified green corridor in the Masterplan and runs broadly west to east through the Almond Valley site and links to Perth city centre. This link has excellent potential to become a strategic green corridor and help the development integrate with the existing landscape of the area.
- 178 Community Greenspace have confirmed they are supportive of the intention to integrate open space within the neighbourhood and ensure they are within easy reach of the housing areas and to link them through the existing path network.
- 179 Community Greenspace are also supportive of the intentions to improve path links along the river and lade and potential to create a new path along the old railway line and connect to neighbouring developments.
- 180 Overall the approach complies with the site specific requirement as well as LDP Policy ER6 – Managing Future Landscape Change to Enhance the Diversity and Quality of the Area's Landscapes.

New Primary School provision

- 181 The Masterplan allocates land for in a central location of the site for a primary school and this will be secured via a legal agreement. This new school will be delivered by the Council to meet any demand associated with the development and also potentially Berthapark and Perth West. Existing pupils from Ruthvenfield Primary School will also be expected to be decanted from the existing school to the new facility.
- 182 Because the new Primary Schools site will be located centrally and adjacent to the Local Centre it will become part of the new village core and helps meet the placemaking objectives for this area and therefore is considered to comply with LDP Policy PM1.

Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.

- 183 The applicants Sustainability Checklist and Design and Access Statement acknowledges that they are aware of proposals for a potential Biomass power plant east of the site and adjacent to the Inveralmond Industrial Estate which would use wood fuel to generate electricity for 11,000 homes within the Perth area. It is understood that due to drop in feed in tariffs for renewables this proposal is unlikely to go ahead.

- 184 The applicant is nonetheless keen to investigate district heating further at the detailed application stage as to how their proposals could accommodate a district heating scheme. They are keen to continue to work with Perth & Kinross Council as to the feasibility of new renewable technologies and how this can be incorporated as the development progresses.
- 185 Whilst it is the view that the site specific requirement has not been fully addressed at this stage it is likely that Perth and Kinross Council will take forward and investigate the potential for district heating systems with the developers of all the strategic sites to the North and West of Perth. Taking this into account I consider this matter can be secured through conditional control with the outcomes of the study incorporated into detailed phases of the development. The wording of the proposed condition has been discussed and agreed with SEPA as they will be the Regulating Authority for any district heating facility.

A Construction Method Statement shall be provided where a development site will affect a watercourse

- 186 As this is an 'In Principle' application it is considered too early in the planning and development process to fully assess any Construction Method Statement (CMS) as we do not have finalised layout details. This can be dealt with effectively at the detailed design stage and a condition requiring a Construction and Environmental Management Plan (CEMP) and including a CMS will be required for these later applications.

Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.

- 187 Survey work undertaken for the ES has identified that the River Almond, East Pow Burn and Perth Town Lade provides potential habitat facilities for Otter foraging, commuting and shelter opportunities. However recorded evidence of otters showed to be relatively low and SNH did not raise any issue with these findings at this stage.
- 188 SNH confirm that it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning phases and any disturbance licences sought from SNH.
- 189 The need for updated survey work and species protection plans are due to the longevity of the site build-out that it has potential habitats for Otters and this can be secured through conditional control. It is considered this would achieve compliance with LDP Policy NE3 – Biodiversity and Policy EP15 - Development within the Tay Catchments.

Need for Proposed Site

- 190 A high number of representations submitted against the proposal questioned the need for this proposal to come forward as the planning application for Berthapark with 3,000 dwellings, the allocation of Perth West for 550 dwellings and Oudenarde for 1,600 dwellings is considered to be more than enough sites to meet the projected population growth of Perth.
- 191 The need for sites such as Almond Valley are based on the Scottish National Records population projections for each Local Authority area. The population projection for Perth and Kinross is predicted to grow by up to 24% between 2012 and 2037 making it one of the fastest growing regions in Scotland. As a consequence Perth and Kinross Council are required through their Annual Housing Land Availability Studies to ensure there is enough land available for housing development to meet this projected growth. With most of the population growth expected to be in and around Perth City itself, it was considered through both TAYplan and the LDP process that large scale strategic sites were required.
- 192 Due to topographical, landscape and infrastructure constraints it was considered that the best and most sustainable location was around west/north west Perth due to its proximity to Perth City Centre, Inveralmond Industrial Estate and the A9 Trunk Road. This has resulted in Almond Valley Village, Berthapark and Perth West being allocated in the LDP as Strategic Development areas that could help deliver over 5,000 dwellings and thereby significantly meet the expected population growth.
- 193 To not meet this predicted population growth could lead to a significant housing shortfall within the Perth Housing Market Area and result in the Planning Authority having to consider alternative sites in less accessible and sustainable locations. Should the population growth not be as high as predicted then this will result in market forces dictating which strategic site comes forward first or at a different rate of development. The planning system has no control over this but what it must do is provide the appropriate level of housing sites to meet the projected demand. On the basis of the above there is a need for the allocation of Almond Valley Village in the LDP.
- 194 The application seeks to establish the basic acceptability of residential and community development uses on this site through the granting of planning consent in principle. A Masterplan, indicative layout plan and phasing plan has been submitted which outlines how the development will be expected to come forward with detailed proposals and allow the housebuilding industry to progress further.

Landscape Impact

- 195 The Almond Valley Village site is specifically referred to in the Tayside Landscape Character Assessment (TLCA) 1999 as a development opportunity. Although 17 years old the TLCA recognises the development of the site is represents an opportunity to address any ambiguous development growth to

the North and North West of Perth, firming up the edge between urban and rural, while providing clear gateways into the Perth City.

- 196 As part of the proposed design principles, a network of linked green spaces and corridors are proposed, utilising some of the development site constraints as an opportunity, integrating with existing robust landscape features and providing alternative pedestrian and cycle routes through the site. The proposed linked areas of open space are also proposed to form wildlife corridors.
- 197 Community Greenspace as already mentioned earlier has identified that the proposed Masterplan stage of the process can be supported and recommended to be worked up in further detail with a detailed landscape strategy, including retention of the majority of existing tree cover and other established `landscape features. The proposed area of green corridors and structural planting which enhance the existing landscape character of the area.
- 198 In relation to visual impact, the site offers acceptable development capacity and the creation of green corridors and structural planting will help mitigate much of the changes to the visual amenity of the area that a development of this scale will undoubtedly create.

Cultural Heritage and Archaeology

- 199 The ES has identified 45 sites of cultural heritage interest within the application site line boundary. These range from buildings of local vernacular interest to crop marks indicating the presence of burial features of local archaeological importance.
- 200 These items include a scheduled monument (Huntingtower Cairn) and four category B listed buildings (Low's work weir, Waterside Cottages, Ruthven House and Ruthven House Garden Wall & Lodge)
- 201 It is proposed that each of the specifically mentioned sites would be retained and their settings respected and protected through sensitive design. Other existing historic environmental features will also be retained where possible. It is however acknowledged that not all identified features will be preserved in situ for the development to be viable. There will be direct, irreversible damage on certain burial features, resulting in probable loss. It is proposed these adverse effects would be offset by appropriate mitigation, involving full recording of the sites and recording of archaeological data.
- 202 Two tree preservation orders exist on the site; Huntingtower Bleachworks and Huntingtower Hotel. It is recommended these are accounted for and taken forward in any future stage of the development of this site.
- 203 HES, PKHT and the Council's Conservation Officer are largely content with the methodology and findings of the Cultural Heritage section ES. One of the main concerns for both HES and PKHT relates to proposed development in the vicinity of Huntingtower Crain Scheduled Monument on the south side of the

A85. Both HES and PHKT have agreed a suitable worded condition to protect this scheduled monument when detailed applications are submitted.

- 204 In comparison to the 2008 application neither HES nor the Conservation Officer have raised any issue regarding potential adverse effects on the setting and relationship with Huntingtower Castle. The proposed site boundary is not as close as it was previously and the use of Castle Brae East as a dedicated vehicular route is no longer proposed.
- 205 Overall, taking account of proposed mitigation and the opportunity to further address any concerns identified at this point by HES and PHKT the principle of development on this site is not considered to have a significant adverse impact upon the integrity of cultural heritage within the site or surrounding area. Therefore the proposed masterplan is considered to comply with LDP Policy HE1 – Scheduled Monuments and Non-Designated Archaeology and Policy HE2 – Listed Buildings.

Noise

- 206 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development are a material consideration in determining applications for planning permission.
- 207 Some of the representations submitted raised issues in relation to construction traffic, ongoing additional motorised vehicle traffic and residential development taking place close to existing commercial properties.
- 208 Whilst the Councils Environmental Health Officer initially raised concern about the Noise Assessment submitted within the ES he has confirmed that because the exact scale, design and layout is unknown at this stage that a detailed noise assessment is considered premature. Noise assessments will be required at the detailed design stage and each noise assessment should help inform the actual design of each development phase and therefore will be more useful. If the noise assessments are redone at the next stage and are of a similar nature as currently submitted it will lead to delays. A more robust Noise Assessment is therefore recommended for the detailed phases.
- 209 Provided noise is adequately assessed and mitigated before houses are occupied Environmental Health have confirmed their support for the proposal and recommend a suspensive condition with any planning permission. At this stage of the planning process the proposal is considered to comply with LDP Policy EP8 – Noise Pollution.

Air Quality

- 210 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. This is done by the

Environmental Health Team and under these duties the whole city of Perth was declared an Air Quality Management Area (AQMA) on the basis of exceedances of the annual mean nitrogen dioxide (NO₂) and particulate (PM₁₀) standards and a subsequent Air Quality Action Plan (AQAP) was finalised in 2009. Whilst this application is not within the boundary of the AQMA, it is directly adjacent to it and the scale of the application means it is likely that a large number of vehicles will access the centre of Perth for work or leisure. This has the potential to have a detrimental effect on the levels of the aforementioned pollutants and the operation of the AQAP. Due to this the applicant has submitted an air quality assessment which has been assessed.

- 211 Environmental Health at this stage broadly agrees with the methodology of the assessment, but they raised concern about the assessment submitted within the ES. They have since confirmed that because the exact scale, design and layout is unknown at this stage and the A9/A85 Link Road is not yet in place that the air quality assessment is considered premature. Provided air quality is adequately assessed and mitigated at the next stage Environmental Health have confirmed their support for the proposal and recommend suspensive condition with any planning permission. At this stage of the planning process the proposal is considered to comply with LDP Policy EP11 Air Quality Management Area.

Wider Health Concerns

- 212 Objectors raised concerns in relation to the traffic pollution and noise impact which have been addressed in the aforementioned paragraphs. Other objections were received to the perceived safety risk of future occupiers of the development with a close relationship to the overhead pylons. The Health and Safety Executive has not raised any issue in relation to the overhead pylons and an underground gas pipeline passing through the site. The Masterplan takes account of these by incorporating them within the proposed green corridors and minimum recommended distances will be respected.
- 213 As mentioned above the Councils Environmental Health team have recommended that more detailed air quality and noise impact assessments are submitted for approval as part of the detailed design stages, taking account of any identified restrictions and informing the final layout and detailed design.
- 214 At this stage, the council are satisfied that adequate information has been supplied as part of the ES to determine that the principal of development on this site is reasonable in relation to noise, air quality and wider health concerns, but acknowledge that further details will require to be worked up and supplied as part of any further applications.

Natural Heritage

- 215 Chapter 11 – Ecology of the supporting ES has attempted to broadly address and assess the potential impacts of the proposed development on ecology and nature conservation. Much of this has been covered in the Site Specific Requirements section above.

Designated Habitats:

- 216 The proposed development is adjacent to the River Almond which forms part of the River Tay Special Area of Conservation (SAC). The Gelly Burn, East Pow and Town Lade all flow close to or through the site and they also form part of the River TAY SAC. The qualifying interests of the Tay Special Area of Conservation are as follows:
- Atlantic salmon
 - Sea lamprey
 - River lamprey
 - Brook lamprey
 - Clear-water lochs
 - Otters
- 217 When determining applications the Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before a license under the Habitats Regulations so as to permit otherwise prohibited acts.
- 218 Both SNH and the Council's Biodiversity Officer submitted consultee responses to advise that at the time of submission, the surveys submitted in relation to birds and protected species were sufficient but advised that further surveys will be required for the detailed phases of development as the surveys are generally out of date after 18 months.
- 219 The Councils Biodiversity Officer has confirmed that the proposal covers an area of predominantly agricultural land with limited biodiversity value. The highest biodiversity value is along the watercourses such as the River Almond, the East Pow and the Town Lade.
- 220 The proposal looks to enhance and expands these habitats, through the establishment of extensive green corridors and this will in turn enhance the biodiversity by connecting habitats and greater protection of any wildlife in the area. Buffers between the development and watercourses will also help protect the wildlife value of these green corridors. There are mature trees across the site that should be protected and conserved on site wherever possible.
- 221 SNH have confirmed that the creation and occupation of the proposed number of houses, school and other community facilities has, without adequate mitigation and management the potential to reduce the water quality of the River Almond and Perth Lade.

- 222 SNH have reviewed the ES and in their view, the proposal could be progressed to the detailed stages as long as mitigations described in Appendix 11.5 'Report to inform Habitat Regulations Appraisal' of the ES are brought forward and conditioned into the phased development at detailed application stage.
- 223 SNH understand the significance of this long term expansion area and that it will provide many opportunities to improve quality of life and place for people and biodiversity.
- 224 Based on the comments received from both SNH and the Councils Biodiversity Officer it is considered that provided the appropriate mitigation can be achieved and the proposal will enhance the biodiversity of the area and therefore a positive impact for both existing and future residents. The Environmental Statement helpfully highlights a series of mitigation measures at Table 11.5.3 and these can be secured by conditional control to protect and enhance biodiversity.
- 225 SNH confirm that it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning phases and any disturbance licences sought from SNH. Overall, it is considered the proposal at this stage complies with LDP Policy NE3 – Biodiversity and Policy EP15 - Development within the Tay Catchments.

Scale and Design

- 226 Some representations raised concerns in relation to the overall scale overall of the proposed development. The proposed Masterplan utilises existing landscape features to shape the layout and areas suitable for development and is supported. The design concept includes organic, fragmented perimeter sub-blocks with a generous open space provision and green corridors, which has the potential to respond positively to the existing site characteristics. At the detailed design stage, the development areas should be sensitively guided by existing boundaries, planting and watercourses, enhancing existing views, natural features and the setting of listed and unlisted historic buildings.
- 227 The proposed primary school, local centre and village green are critical to the success or failure in achieving a sense of place and providing a platform for a sustainable community environment to be nurtured and continue to exist. The residential elements closest to the local centre should be designed at a higher density and as you move further out become more medium to low density.
- 228 It is expected that building design should reflect the age of the building, be contemporary in appearance and form, and should avoid a pastiche or pattern book approach. Designs of each development phase should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design and provision of energy saving infrastructure including district heating systems will be supported. A comprehensive design and access statement will need to be submitted with each detailed design application to fully justify the architectural and urban design approach.

- 229 Overall, the proposed dwelling numbers of 1,280 are not approved at this stage as this figure is purely indicative. The exact scale of development will be ascertained through the outcome of the detailed applications of each development phase and depends on what the housing market is like at the time of submission. The exact numbers will inform associated infrastructure requirements and facilities including education and community facilities, affordable housing provision, open space and play area provision and public transport improvements.
- 230 Full details in respect of building heights and housing design will be fully investigated and form part of the detailed design applications.

Waste

- 231 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should be adequate space within each property to accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. Both conditional control and informatives will ensure the collection of waste will not be compromised.

Contaminated Land

- 232 The Council's Land Quality Officer has identified that owing to historical uses of areas within the development for landfill, bleachworks, gasworks, printworks, textile works and agriculture may have resulted in contamination of some areas. A Phase 1 Contaminated Land Assessment has been completed by the applicant and has identified local areas of contamination associated with the former land uses.
- 233 As the application is 'In Principle' at this stage the Land Quality Officer has recommended a condition be applied to any planning consent to further identify any contamination and propose mitigation measures if required. This conditional control will ensure the development complies with LDP Policy EP12 – Contaminated Land.
- 234 As part of SEPA's remit they also identified that there may be the possibility of some radioactive contamination associated with parts of the adjacent former MOD site and transport route to the rail stop within the Almond Valley site. No records show there to be any radioactive contamination within the application site but SEPA recommend a walkover radioactive survey be carried out by the applicant. SEPA have accepted that a condition requiring this survey will be sufficient at this time.

Open Space and Recreation Provision

- 235 In addition to the proposed greenspace corridors the Masterplan looks to provide a wide range of open space, play areas, sports and recreation area and community woodland to meet the needs of the existing and future residents.

- 236 A new village green and, three play areas and two full sized sports pitches including a sports pavilion is proposed. Two areas of community woodland are also proposed and there is also the potential for a skatepark. There is also the opportunity for some of the open space to be utilised for garden allotments purposes.
- 237 Community Greenspace have agreed that the proposed provision is acceptable. It is considered that the proposed open space, play areas and recreation facilities will be a significant improvement to the existing situation and will be a benefit to both existing and future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

Drainage

- 238 Because the application is 'In Principle' full drainage details are not required at this stage. Appendix 9.2 of the ES provides a Drainage Strategy for the proposed development. The Councils Flood Risk Officer has reviewed the Drainage Strategy and has no objection to the proposal provided the detailed phases conform to the Councils Flood Risk Assessment Guidelines. The predicted discharge rates from SUDS is considered to be acceptable in principle but would point out that it is unlikely that consent will be given to discharge to the Town Lade watercourse unless the greenfield runoff rates is significantly lower in order to reduce flood risk. Any SUDS features must look natural and not be designed based on storage volume alone.
- 239 The Masterplan and FRA recommends two surface water management features and these should be developed as part of the SUDS facilities. Because the Town Lade frequently blocks a maintenance strip of 10 metres is required for the length of the Lade through the development. Similarly Finished Floor Levels of properties surrounding the Lade must be at least 600mm above the top of bank. Accordingly numerous drainage conditions are provided that must be met at the detailed design stage to ensure there is no risk of flooding within or outwith the site. At this stage the proposal is considered to accord with LDP Policy EP3 – Water Environment and Drainage.

Retail Provision

- 240 A new local centre is proposed centrally within the site and is adjacent to the proposed primary school. It is envisaged that part of this local centre will be the provision of a convenience foodstore to meet the day to day shopping needs of the resident population. It is considered that the provision of 300 dwelling will be required to make the provision of a foodstore viable and a condition to deliver this has been included.
- 241 The provision of a new local centre including a small foodstore does not raise any issues regarding impact on Perth City Centre or commercial centres as it is of a scale that will only serve the local population. Its central location should result in residents not requiring to travel by car for day to day shopping needs.

Other Material Considerations

Double Dykes Travelling Site

- 242 Scottish Planning Policy recommends that appropriate account should be made to Gypsies and Travellers in relation to housing need and site location.
- 243 It is considered that the Double Dykes site now being the opposite side of the approved A9/A85 Link Road and not visible to/from Almond Valley Village has been accounted for in planning and design process and is in line with national best practice.

Non-Material Matters

- 244 Some representation submitted referred to land ownership, tenancy and property devaluation issues. The Planning Authority is aware of an on-going Land Court issue between the landowners and tenant farmer but this is a not material planning consideration in the assessment and determination of a planning application. Land ownership and tenancy issues are civil issues that are required to be addressed outside of the planning process.

Developer Contributions

- 245 A Section 75 legal agreement is required to secure infrastructure for Almond Valley Village to ensure it complies with Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions. A Draft Heads of Terms has been prepared and has been agreed with the applicant. It will cover the following topics:

- Primary School Delivery
- Transport Infrastructure Contributions
- Public Transport Improvement
- Affordable Housing Provision
- Open Space Provision and Maintenance
- Sports Pitches and Pavilion Provision and Maintenance
- Play Area Provision and Maintenance
- Structure Planting Delivery
- Community Facilities Delivery
- Community Contribution

Economic Impact

- 246 Chapter 12 of the ES deals with the socio-economic impact of the proposal. During the construction period it is predicted that up to 397 full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services.
- 247 Once operational it is predicted that the proposed new primary school will create 35 new jobs and a new local shop is estimated will create 11 full time jobs. New residents should also fill job vacancies and support numerous existing employers in the local area, including Inveralmond Industrial Estate and Perth City.
- 248 The development of up to 1,500 as per the LDP allocation will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimate that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 1,500 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £8.5 million. This expenditure should have a significant positive impact on Perth City Centre, nearby commercial centres and Inveralmond Industrial Estate with its many ancillary retail facilities. The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city.

LEGAL AGREEMENTS

- 249 A legal agreement is required to secure infrastructure for Almond Valley. A Draft Heads of Terms are suggested and have been agreed between the parties:
- Delivery of site for 2 stream Primary School.
 - Primary school financial contribution.
 - Delivery of Affordable Housing.
 - Delivery of sports pitches, sports pavilion, play areas, open space, paths and associated maintenance.
 - Delivery of community facilities including community woodland
 - Contribution towards public transport provision.
 - Contribution towards a community fund.

DIRECTION BY SCOTTISH MINISTERS

- 250 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 251 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish the principal of development on the associated site and it is consistent with the objectives of the Development Plan.
- 252 Mixed use development at Almond Valley Village is a longstanding, committed development site and is allocated in the LDP and forms part of the Strategic Development Area of West/North West Perth in TAYplan 2012. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant committed strategic transportation improvements for the wider area.
- 253 The proposed development at the allocated Almond Valley Village site is therefore considered to accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, jobs both during the construction period and afterwards with the creation of a local centre, enhanced community and educational facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 254 Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

RECOMMENDATION

- A Approve the application subject to the following conditions:**

Approval of Matters Specified in Conditions

- 1 The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. For the proposed phased development the application for Approval of Matters Specified in Conditions for Phase 1 shall be made no later than 2 years from the date of this permission and subsequent applications for the totality of this proposed development shall have been made not later than 17 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be

commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for such matters, whichever date is the earlier.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The site layout plan, phasing plan and housing numbers as submitted are purely indicative and are not approved.

Reason: The application is for planning permission in principle only at this stage.

- 3 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan otherwise agreed in writing by the Planning Authority

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 4 No development shall commence on each phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:

- a) The delivery of the development in phases associated with the areas prescribed in the Masterplan.
- b) Details of all cut and fill operations.
- c) Full details of the proposed means of disposal of foul water to serve the development.
- d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- e) The siting, design, height and external materials of all buildings or structures.
- f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
- g) Details of any screen walls/fencing to be provided.

- h) Details of all landscaping, planting including structural planting and screening associated with the development
- i) Details of play areas and the equipment to be installed.
- j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
- k) Detailed specification of all street and footpath lighting.
- l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A85 and Cross Tay Link Road.
- m) Detailed plan of public access across the site (existing, during construction and upon completion).

The development shall be implemented in accordance with the planning application(s).

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 5 In pursuance of condition 4 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul drainage system shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

Reason: in the interests of public health and to prevent pollution.

- 6 In pursuance of Condition 4 d), disposal of surface water:-
 - a) all storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
 - b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in Appendix 9.2 (Scheme Drainage Strategy) of the Environmental Statement. The agreed detail shall thereafter be implemented prior to the completion of the development.

- c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
- d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the River Almond and East Pow Burn. The discharge of any surface water drainage to the Perth Town Lade will be limited to 50% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.

Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

- 7 In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 8 In pursuance of condition 4 j), all applications for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

- 9 In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables and pipelines substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 10 In pursuance of Condition 4 h) no works in connection with any phase of development hereby approved shall take place until such time as the structural landscaping works relevant to that phase as shown on the structural planting plan have been completed in full prior to each phase.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the amenity of the area and existing residents.

- 11 In pursuance of condition 4 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of

development, will be submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
- c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
- d) Any diversions of paths – temporary or permanent – proposed for the purposes of the development.
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

Reason: In the interest of sustainable transportation.

- 12 Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, the number of residential (Class 9) dwellings constructed shall not exceed 1,500 units.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 13 No development shall commence until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 14 No more than 90 residential units are permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational and until the following infrastructure has been delivered:

- a) Provision has been made for pedestrian connections and public transport facilities in the form of footways, crossings and bus stops on and along the A85.

- b) The new roundabout on the A85 connecting to the site and the Tibbermore Road shall be constructed and operational.
- c) The current junction of the A85 and Tibbermore Road shall be closed by the Council.

The nature of these works shall generally be as illustrated on Grontmij Drawings 14024(SK)003A and 14024(SK)004. All details shall be submitted for written approval and thereafter installed and made fully operational all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 15 No more than 700 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Perth and Kinross Local Development Plan, has been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 16 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at both the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 17 No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 18 Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished.

- 19 Prior to approval of further detailed applications for the southern portion of the application site, details of the barrier/boundary fencing and frontage landscaping treatment along the A85 trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority.

Reason:-To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

- 20 No more than 300 residential units of the Almond Valley Village Development approved by virtue of this planning permission in principle shall be occupied prior to the delivery of a new local centre unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure delivery of infrastructure essential to serve the development is provided in a timely manner.

- 21 Castle Brae East shall not be used at any time by construction traffic associated with the development.

Reason: In the interests of pedestrian and traffic safety, residential amenity and protection of Huntingtower Castle.

- 22 Prior to approval of further detailed applications a Public Transport Plan shall be submitted for written approval to this Council as Planning Authority and fully implemented to the satisfaction of this Council prior to the occupation of the 50th dwelling.

The Public Transport Plan will set out what additional services will be provided, how the contribution funding will be used and how the developer will seek to promote sustainable travel.

Reason: In the interest of sustainable travel.

- 23 Prior to the completion of 1,000 dwellings and every 6 months during construction, the River Almond, East Pow Burn and Perth Town Lade for a distance of 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development shall be inspected and cleared of any impediments arising as a result of the development likely to

create any obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

Reason: To reduce the risk of flooding.

- 24 No works shall take place within 25 metres of any flood apparatus constructed as part of the Perth Flood Prevention Scheme or Almondbank Flood Protection Scheme without the prior written approval of the Perth and Kinross Council Flooding Team.

Reason: To maintain the integrity of the Perth Flood Prevention Scheme defences.

- 25 Unless otherwise agreed in writing by the Planning Authority the Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 26 Unless otherwise agreed in writing by the Planning Authority, the garden level of all properties shall be a minimum of 300mm above the 200 year flood level.

Reason: To reduce the risk of flooding.

- 27 Prior to the commencement of development the soffit level of all bridges/culverts shall be agreed in writing by Perth and Kinross Councils Flooding Team.

Reason: To reduce the risk of flooding.

- 28 A 5m maintenance strip must be provided either side of any flood protection apparatus and the watercourses along the River Almond, East Pow Burn and Perth Town Lade.

Reason: To allow suitable access to the watercourse and flood protection apparatus for maintenance purposes.

- 29 Mitigation measures submitted as part of the Environmental Statement shall be incorporated into subsequent applications for the approval of matters specified in conditions attached to this consent and thereafter fully implemented.

Reason: To ensure environmental impacts are satisfactorily mitigated.

- 30 The Ecology and Habitat Surveys undertaken in respect of the Environmental Statement submitted with the planning application 15/01157/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 31 As part of each phase of development the mitigation measures specified in Appendix 11.5 (Report to Inform Habitat Regulations Appraisal) of the Environmental Statement submitted with the planning application 15/01157/IPM shall be fully implemented.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 32 All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 33 As part of each phase of development the recommendations contained within the Tree and Woodland Survey submitted with the Environmental Statement (Chapter 15) shall be adhered to in full. In particular the recommendations for Root Protection Area (RPA) and dwelling standoff distances shall be followed.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 34 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

- 35 Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed by the developer at its expense as the ECOW ('Ecological Clerk of Works') for the site. This appointment shall be subject to the prior written approval of the Planning

Authority. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage. The ECOW shall oversee in consultation with the Planning Authority and SNH, the implementation of all ecology related planning conditions throughout the construction of the development.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- a) If there has been a requirement to stop or alter works in relation to this condition.
- b) They are required to submit a monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
- c) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 36 As part of any detailed application for each phase of development following consultation with Perth and Kinross Heritage Trust and Historic Environment Scotland, a plan detailing the sensitive design of the development to protect and maintain the setting of key a scheduled monument at Huntingtower Cairn shall be submitted to and approved by the Planning Authority in agreement with Perth and Kinross Heritage Trust and Historic Environment Scotland.

Reason: in order to maintain the setting of a Scheduled Monument at Huntingtower Cairn.

- 37 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and

Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: In the interest of protecting archaeological interest within the site

- 38 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. As a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

- 39 Prior to commencement of any development works, a Radiological Walkover Survey report shall be submitted for the consideration of the planning authority and shall be carried out to a methodology submitted and approved in consultation with SEPA.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

- 40 Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development.

Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 41 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: To prevent disturbance from noise.

- 42 No development shall take place at the eastern end of Phase H16 as shown in the submitted Masterplan until the results of a detailed noise assessment and mitigation are known and agreed by the Planning Authority.

Reason: To prevent potential noise pollution of future residential properties and protect the amenity of existing business operations.

- 43 A scheme of mitigation to minimise impact on air quality shall be submitted to the Planning Authority as part of the matters specified by condition applications. The approved scheme shall be implemented before the occupation of that phase of the development all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of public health and to prevent pollution.

- 44 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: in the interests of the sustainable disposal of waste.

- 45 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

| Capacity (litres) | Width (mm) | Height (mm) | Depth (mm) |
|-------------------|------------|-------------|------------|
| 240 | 580 | 1100 | 740 |

Reason: in the interests of the sustainable disposal of waste.

- 46 Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority. This report should investigate the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To investigate future district heating opportunities for the development.

- 47 The development shall be in accordance with the Council's Developer Contributions and Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

Reason: To comply with the Council's approved policy on Developer Contributions and Affordable Housing.

B JUSTIFICATION

- 1 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

- 1 None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 6 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 No work shall be commenced until an application for building warrant has been submitted and approved.
- 11 The Radiological Walkover Survey shall prioritise areas for monitoring on the western boundary of the site (proximity to former naval depot) and alongside water courses and shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended) and The Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000. Any wastes arising shall be addressed in accordance with the Radioactive Substances Act 1993 (and the associated exemption orders).
- 12 The delivery timescale of the new on-site primary school will be determined by the Councils Education and Children's Services Department to ensure there is sufficient local primary education capacity for the proposed development.

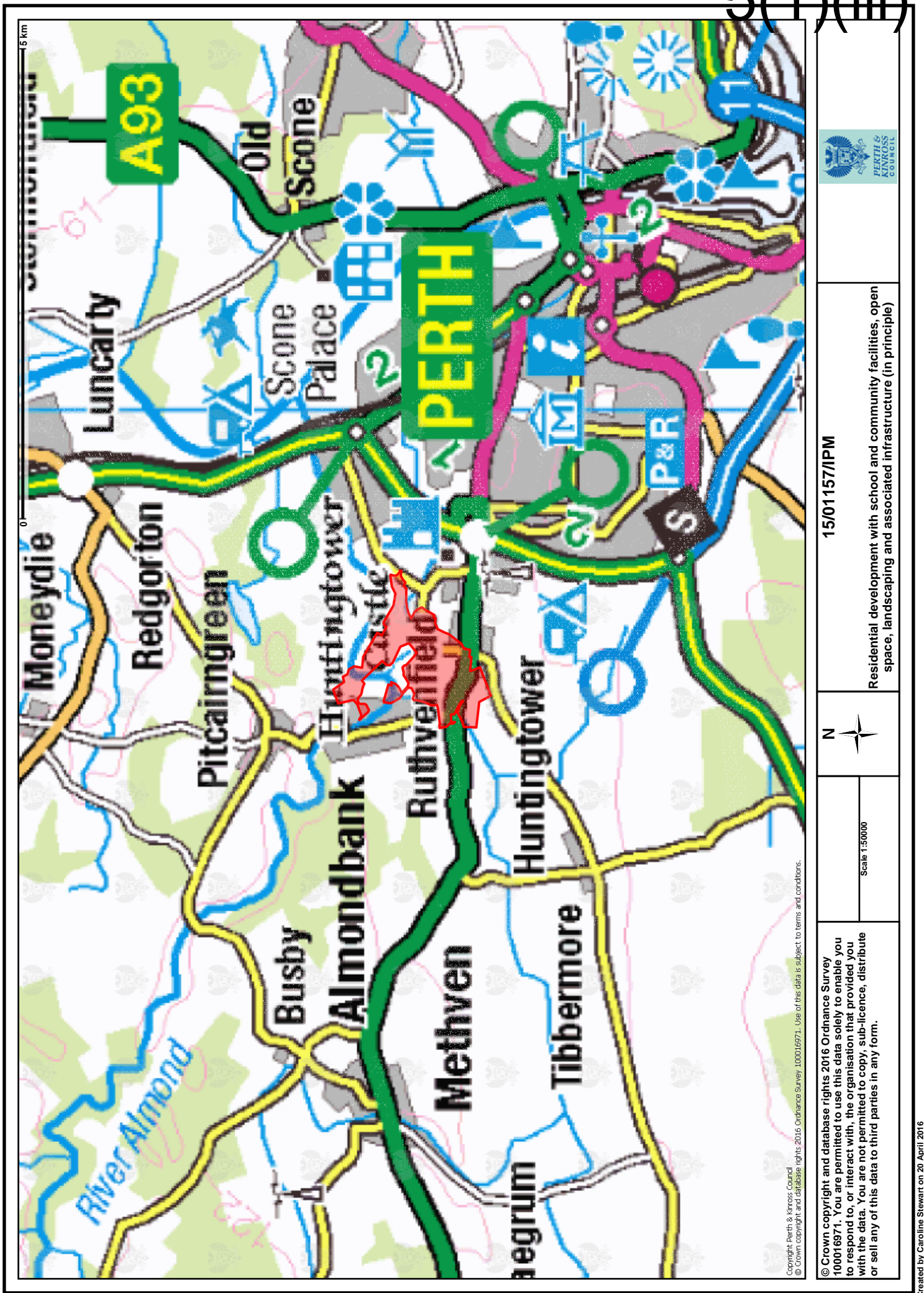
Background Papers: 85 letters of representation
 Contact Officer: Steve Callan Ext 75337
 Date: 28 April 2016

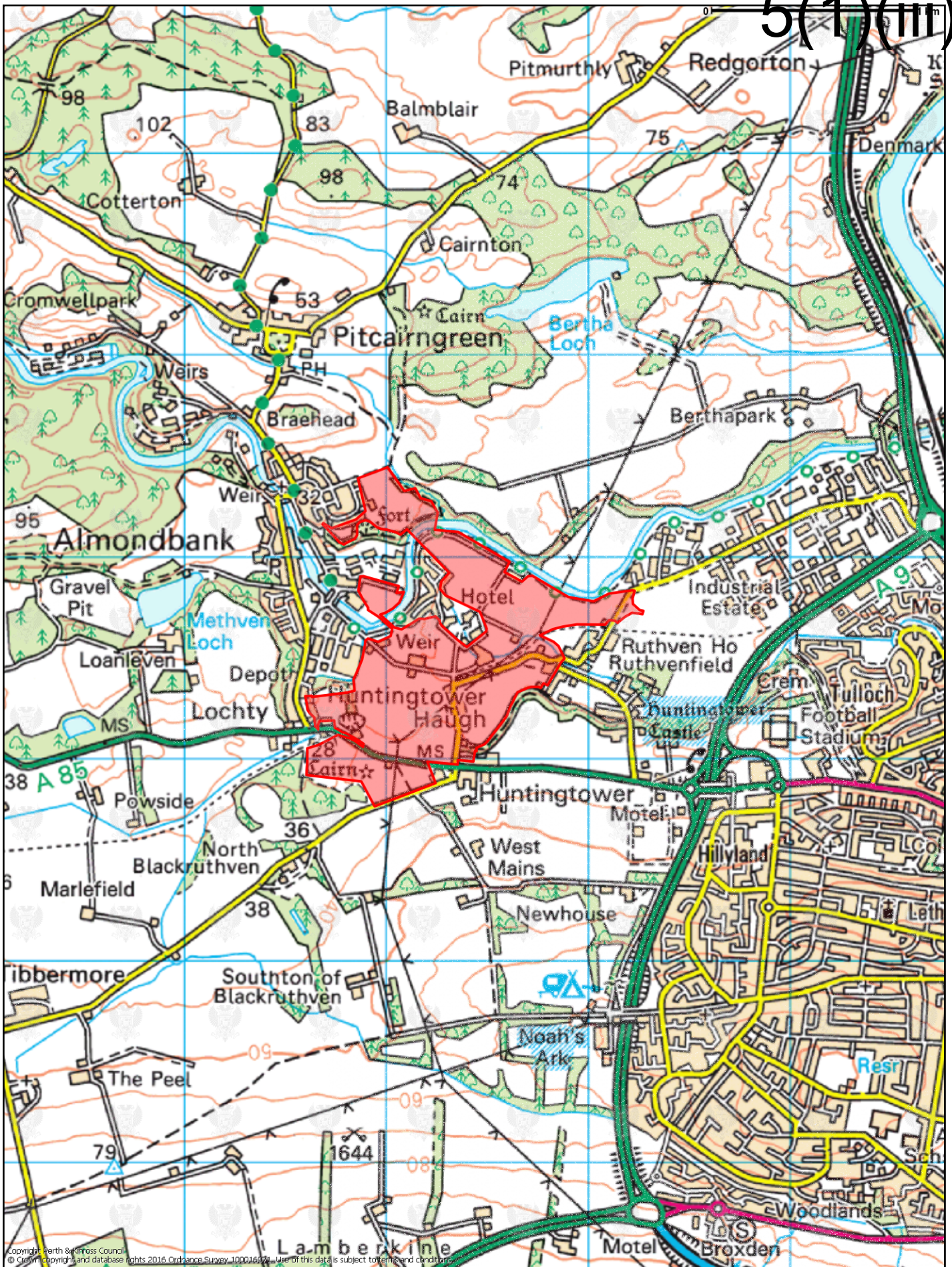
Nick Brian
Development Quality Manager

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Scale 1:25000

15/01157/IPM

Residential development with school and community facilities, open space, landscaping and associated infrastructure (in principle)



Perth and Kinross Council
Development Management Committee – 11 May 2016
Enforcement Report by Development Quality Manager

Formation of five permanent gypsy/travellers pitches at Crookmoss, Crook of Devon, Kinross-shire

Ref. No: 12/00546/FLL
Ward No: 8 – Kinross-shire

Summary

Enforcement update on alleged Breach of Conditions 9, 10, 11, 12, 13 and 14 for the formation of 5 gypsy/travellers pitches

BACKGROUND AND DESCRIPTION

- 1 This permission was previously considered by this Committee at its meetings on 16 September 2015 and 13 January 2016 in respect of an update on the enforcement position in relation to conditions attached to the consent and it was remitted to report back again to this Committee at this meeting. The previous Committee reports together with a copy of the planning consent notice, setting out the full terms of the conditions, are attached to this report.
- 2 Members, in requesting a further update were concerned over the conditions relating to the following areas:
 - Noise
 - Drainage
 - Water supply
 - Access
 - Landscaping
- 3 All other issues in relation to the permission and conditions remain the same.

CONSULTATIONS

- 4 Further discussions have taken place with the Scottish Water and the Council's Environmental Health Officer.

REPRESENTATIONS

- 5 There have been no further representations received as a result of the further review period. All representations associated with the original application are as detailed in the original Committee Report.

APPRAISAL

Noise

- 6 No further complaints have been received from neighbouring residential properties. With regards to the siting of the electricity generators, all the occupied pitches now have acoustic housing units for their respective generators. The alternative solution of a mains electricity supply is prohibitively expensive and as such, the occupants have decided to focus their resources, at this time, on other matters. Conditions 12 and 13 are currently in compliance.

Drainage

- 7 Following the September and January Committees, Scottish Water were contacted in respect of the likelihood of a mains sewer connection being available to serve the 5 pitches. In terms of an interim connection to the public sewer, the subject of a flow and load survey, has been assessed by Scottish Water. At this time there is no opportunity for an interim connection. Scottish Water infrastructure is being overwhelmed by surface water infiltration which must be resolved prior to further connections being offered. No specific time has been given for resolving surface water ingress and therefore we have been advised that the occupants should seek resolution to Scottish Water's '5 Growth Criteria'.

Water supply

- 8 Mains water supply will be forthcoming at a time when foul treatment is in place. The occupants are using bottled water with a single private water supply.

Access

- 9 The access has been completed and as such, conditions 3 and 4 could be discharged.

Landscaping

- 10 Landscaping for the wider site is complete. This relates principally to the perimeter planting, which is more of a priority for the external appearance of the site. Individual pitch landscaping is also underway where pitches are occupied. Site landscaping is being monitored to ensure that it is maintained to satisfy condition 15.

ADDITIONAL INFORMATION

Paddock

- 11 The Planning Application submitted for the area of ground between the consented pitches and the road frontage under ref; 15/02078/FLL for change of use from paddock to form 3 gypsy/traveller pitches and erection of a fence (in

retrospect) was refused on 9 March 2016. The applicant has 3 months from the date of decision for appeal therefore our position on enforcement is held in abeyance until the end of this period.

Alleged Pitch 6

- 12 As a result of the planning application mentioned at para 11, a 'Pitch 6' had been neighbour notified. Pitch 6 should not have been neighbour notified as an address for this pitch does not exist on the Council's address gazetteer. Further investigation has revealed a Council Tax assessment carried out in 2012 considered there to be 6 pitches rather than 5. Generally, previous experiences relating to neighbour notification has meant that the Planning Authority take a cautious approach to neighbour notification to ensure all affected residents are notified. Pitch 6 does not exist now and has never existed.

CONCLUSION AND RECOMMENDATION

- 13 Whilst significant progress in key areas of concern in relation to compliance with the conditions attached to the consent has been made, the issue of drainage remains to be resolved. I am aware that Committee will be concerned about the current position and that the timescales for drainage compliance could be extended significantly. However, I am of the view that further enforcement action would not be appropriate in respect of conditions regarding drainage. As we have served formal notices under Section 145 of the Act the development will not become lawful through passage of time. My recommendation is that the action we have taken to date is sufficient and no further enforcement action is necessary.
- 14 An Enforcement Notice in these circumstances would not, in my opinion, be appropriate use of our enforcement powers. An Enforcement Notice could not be used to secure delivery of drainage infrastructure and as such there would be no positive outcome to be gained from service. An Enforcement Notice could be used, as has been suggested, to clear the site and return it to its former use. To be able to do that, though, we would be required to demonstrate 'planning harm' in relation to a notice which achieves this outcome. As described in the paragraphs above, there is no injury to residential or visual amenity, roads matters have been addressed and SEPA have again confirmed that there are no environmental concerns with the site. Therefore, 'planning harm' is not demonstrated in relation to this development and as such an Enforcement Notice would be unlikely to succeed.
- 15 Key considerations by a Reporter, if dealing with an Enforcement Notice appeal, would be: firstly, as stated above, has planning harm resulted, and, secondly, have all possible options been explored to resolve the issue. I am of the view that the option to deliver mains drainage has not been fully exhausted as an option and still remains open.
- 16 I appreciate that Members could reasonably require an update to our position after a given period. However, given the circumstances set out in this Report I

consider that it is not necessary for future reports to be referred back to this Committee. To this end, I would recommend that future updates be directed to the affected Local Members and Convenor in separate, regular meetings in the future until matters have been resolved.

- 17 In conclusion therefore it is recommended that the option of connection to the mains drainage continues to be pursued with the applicants and Scottish Water and that progress on this be reported back directly to the affected Local Members and Convenor.

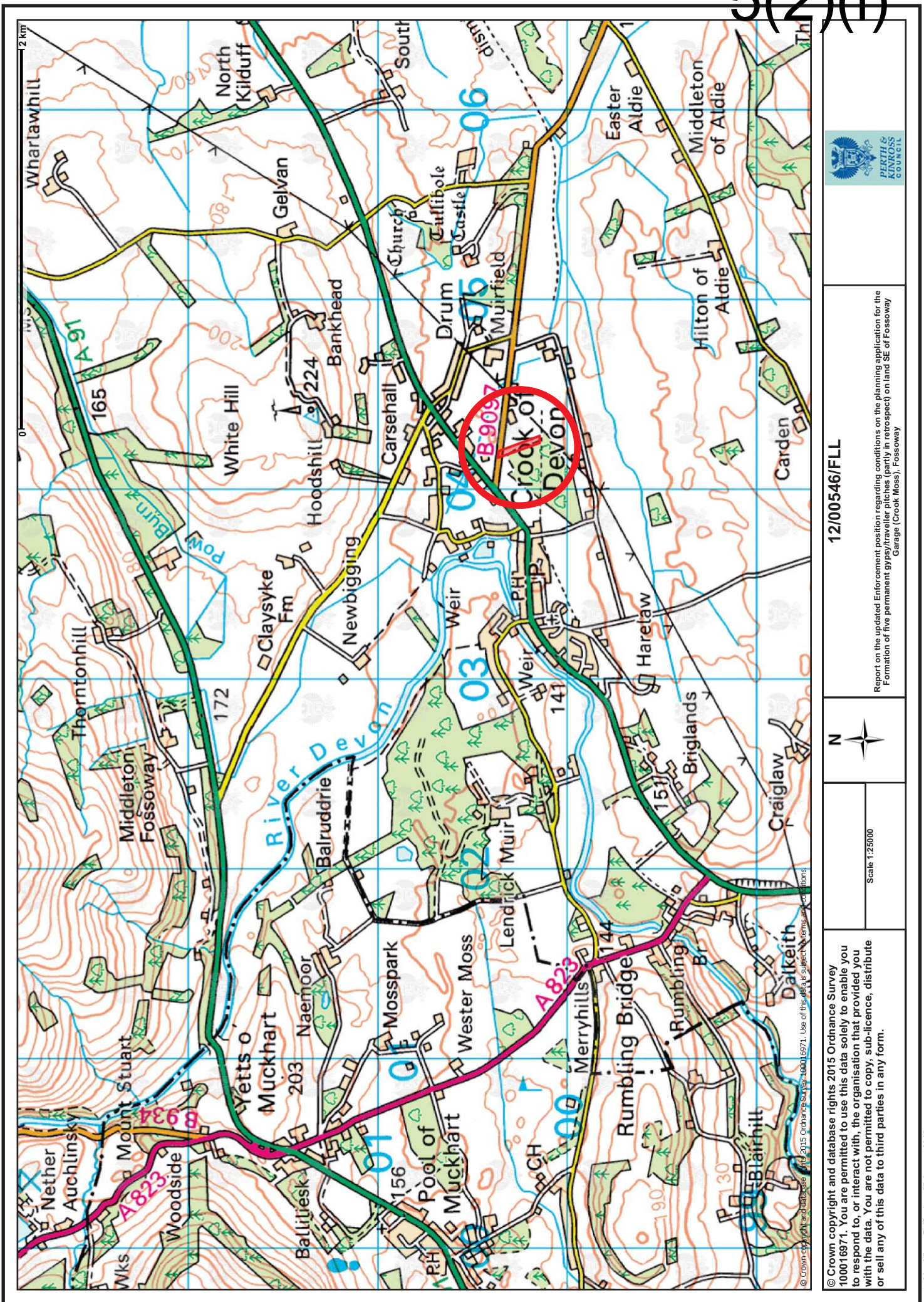
Background papers: None
Contact Officer: Eddie Jordan – Ext 75341
Date: 28 April 2016

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

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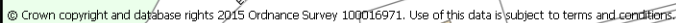
12/00546/FLL

Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (party in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway



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12/00546/FLL

Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (partly in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway



Perth and Kinross Council
Development Management Committee – 12 May 2016
Report of Handling by Development Quality Manager

Engineering works to pond at Land to the East of the U165, Donavoured

Ref. No: 16/00079/FLL
 Ward No: 4– Highland

Summary

This report recommends approval of the application for engineering works to a pond as the development is considered to comply with the relevant provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 Full planning consent is sought for engineering works to a pond which is situated within plot 4 of a 4 house development which was granted planning consent in January 2008 (07/02495/FUL).
- 2 Plot 4 is the southern most of the four plots originally granted planning consent. The application site is bound to its west by the U165 public road, to the south and east by residential properties and to the north by the remainder of the new housing development referred to above. The pond occupies the south east corner of the application site and much of the site is wooded, although some felling has taken place which is addressed elsewhere in this report. This application is a re-submission following the refusal of a similar proposal at Development Management Committee in October 2013 following an officer recommendation of approval.
- 3 The previous application was refused for the following reasons:
 - *The proposed re-planting plan will not entirely make up for the loss of mature trees from the site and will have an impact on the visual amenity of the area*
 - *The proposal is contrary to (a) Policy 7 of the Highland Area Local Plan and Policy EP7 of the Proposed Local Development Plan in that there is a potential flooding risk and (b) Policy 17 of the Highland Area Local Plan and Policy N3 of the Proposed Local Development Plan in that it will have a detrimental impact on biodiversity associated with the pond.*
- 4 The pond in the south east corner of the house plot was once associated with the Mill to the south which is now in use as residential accommodation. A small watercourse runs from the north east into the pond. The water in the pond discharges to the south of the site into a further water course.
- 5 This application seeks to alter the banks of the pond as they are currently steep. The supporting statement submitted with the application states that as

the pond edges are steep it is potentially a hazard for small children and would be extremely difficult for a weak person to pull themselves out. It goes on to state that this observation has been made by a number of potential purchasers and the applicant considers it to be the pond which is resulting in this remaining plot being unsold in the years following refusal of the 2013 application. This follow up application includes native aquatic planting to improve the overall bio diversity value of the pond which is currently considered, in my opinion and the opinion of the Council's Bio Diversity Officer, to be limited due to the lack of any existing vegetation. The proposal also includes replacement tree planting including Birch, Field Maple and Rowan. It should be noted that the recommendation within this report is based upon the planning policy considerations of carrying out works to the pond and the reasons for carrying out the works are inconsequential to the recommendation.

- 6 An original application for this site was previously withdrawn which sought to entirely infill the pond (12/01747/FLL). This application was withdrawn due to concerns which had been expressed by SEPA and the Council's Flood Risk Officer regarding potential flood risk. The proposal has been revised to retain the pond but carry out works to infill parts of the bank to provide a 1 in 4 slope. These revised works are a result of discussions with SEPA and the Flood Officer. This submission is very similar to the previously refused 2013 application but with slightly differing proposals relating to tree felling and replacement planting.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

- 8 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan 2012 and the Adopted Perth and Kinross Local Development Plan 2014.

TAYplan: Strategic Development Plan 2012-2032

- 9 The principal relevant policies are in summary: -

Policy 3: Managing TAYplan's Assets

- 10 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:
 - Ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be

no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.

- Safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 11 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance
- 12 The principal policies are, in summary:

Policy PM1A - Placemaking

- 13 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 14 All proposals should meet all eight of the placemaking criteria.

Policy NE2B - Forestry, Woodland and Trees

- 15 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 16 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes.

- 17 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 18 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

OTHER POLICIES

- 19 None

SITE HISTORY

- 20 07/02495/FUL Erection of 4 dwellinghouses with garaging facilities and formation of an improved access – Approved under delegated powers in January 2008
- 21 12/01373/FLL Infilling of pond - Withdrawn
- 22 12/01747/FLL Infilling of pond and formation of a stream – Withdrawn
- 23 13/00089/FLL Engineering Works to Pond – Refused at Development Management Committee after officer recommendation of approval for reasons outlined in introduction above.

CONSULTATIONS

EXTERNAL

SEPA

- 24 No objection on flood risk grounds

INTERNAL

Flood Prevention Officer

- 25 No objection overall however conditions recommended regarding detail of proposed works and provision of a maintenance schedule to allow efficient operation of the pond, pipe and weir structure.

Bio Diversity Officer

- 26 Proposal is considered to enhance the bio diversity value of the area and conditions have been recommended regarding the timing of works

REPRESENTATIONS

- 27 A total of 4 letters of representation were received. Three object to the proposal and one states it does not object but raises issues of concern.
- 28 The representations have raised the following relevant issues: -
- Flood Risk
 - Visual Amenity
 - Bio Diversity/protected species
 - Loss of trees
 - Contrary to local and national policy
 - Proposal is almost identical to previously refused application
 - Detail and accuracy of plans.
- 29 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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| Environment Statement | Not required |
| Screening Opinion | Not required |
| Environmental Impact Assessment | Not required |
| Appropriate Assessment | Not required |
| Design Statement / Design and Access Statement | None |
| Report on Impact or Potential Impact | None submitted |

APPRAISAL

Policy

- 30 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by Planning Etc (Scotland) Act 2006 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of the Council's Local Development Plan (LDP) 2014 are outlined in the policy section above.

Bio Diversity

- 31 A number of letters of representation raise concerns that the engineering works to the pond will have a detrimental impact on bio diversity associated with the pond. Policy NE3 of the LDP requires the Council to consider protected species in determining any planning application. The Council's Bio Diversity Officer has been consulted on the proposal as he was on the 2013 application. He has stated that he has visited the site on three separate occasions, at different times of the year and the only species directly associated with the

pond were a group of mallard ducks. The ducks were also present during the planning officer's visit to the site. The Bio Diversity Officer considers the pond to be "oligotrophic" meaning that it is very clear with little or no vegetation and as a consequence is unlikely to be able to support much wildlife. He also states that within a 1km radius there are at least three other ponds which are possibly of better value for wildlife. This proposal also includes additional aquatic planting within the pond in order to provide improved habitat for bio diversity within the pond.

- 32 The Bio Diversity Officer has indicated that he considers the proposal to result in significant improvement to the Bio Diversity value of the pond. Whilst it is noted that trees were felled in this area, this proposal seeks to re-introduce native planting which will again result in an overall improvement to the bio diversity value of the pond and its immediate surroundings by providing additional wildlife habitat. For the avoidance of any doubt a condition is recommended to restrict the timing of felling works and to ensure consideration of any nesting birds on site is given. Given this response from the Council's Biodiversity Officer and from the evidence available to me during my site visit I am satisfied that the engineering works to the pond will not result in any significant harm to any protected species and will introduce planting in order to improve wildlife habitat and as such the proposal is considered to comply with Policy NE3 in that regard.

Flooding

- 33 Similar to the biodiversity issues outlined above, letters of representation have raised concerns regarding potential flood risk. Policy EP2 of the LDP states that there is a general presumption against development on areas which are prone to flooding or which would result in flooding elsewhere. Due to the concerns which have been expressed by neighbours and the reason for refusal of the previous 2013 application, the Council's Flood Risk Officer and SEPA have been consulted.
- 34 SEPA and the Council's Flood Prevention Officer objected to the original 2012 application for the complete removal of the pond. The application now proposes to reduce the gradient along the banks of the pond by using material from the north shore, similar to the proposals outlined in the 2013 application. No material will be imported for infilling purposes. An additional 150mm pipe is also planned to be placed at a lower level than the current outlet weir which will reduce pond levels during low flows.
- 35 The Supporting Statement for the 2013 application notes that it is important to keep the diameter of the pipe small to avoid significant increases in flow downstream during peak flows. The Flood Officer states that installing the pipe should act as a throttle during high flows, allowing the pond to fill to its original water level before the current weir level is reached, this (the weir) will act as an overflow during high flows and is being retained at its present level. The Flood Officer also states that provided the pond is correctly maintained this should be of benefit to residents in the lower part of the catchment. The Flood Prevention Officer also comments that the trash screen on the outlet pipe should be

installed at between 45 degrees and 60 degrees to allow ease of maintenance and this can be secured by a suitably worded condition.

- 36 The maintenance of the 150mm pipe and trash screen will lie with the land owner and it is essential that this take place to allow efficient operation of the pond, pipe and weir structure. As such I consider it appropriate to ensure this through a condition.
- 37 The statement also notes that there will be a small amount of additional flood storage held within the pond during high flows although no modelling has been undertaken regarding this. The volume lost through infilling will be comparatively small as material is being taken from the pond area itself.
- 38 The Council's Flood Prevention Officer and SEPA have offered no objection to the proposals and conditions regarding the maintenance of the outlet pipe are recommended. Therefore despite the previous refusal by the Council of the proposal on flood risk grounds I remain of the view that the proposal is in accordance with Policy EP7 having fully considered the submission and consultation comments from the Flood Prevention Officer and SEPA neither of which object to the application.

Loss of Trees/Visual Amenity

- 39 The supporting statement submitted with the 2013 application stated that no trees will be affected by the engineering works to the pond. However, during the course of that application, a number of trees were felled on the site. This resulted in a number of complaints from neighbours. The 2007 consent for residential development on this site indicated the retention of trees on site, as this was marked on the approved plans, and as such the felling of trees on the site was a breach of planning control. The Council's Enforcement Officer wrote to the applicant seeking a re-planting plan as the felling which had taken place was considered to detrimentally impact on the visual amenity of the area given the proximity of the site to the public road. A re-planting plan was submitted which outlined additional trees, shrubs and hedging. Whilst it was clear that the re-planting scheme would not entirely make up for the loss of mature trees from the site it was considered to be a reasonable compromise given the felling that has occurred. Furthermore the trees to be replanted will mature and over time will improve the visual amenity of the area. The trees to be planted as part of this scheme are yet to be planted.
- 40 The Development Management Committee did not agree with the conclusion of the officer and the 2013 application was refused due to the lack of tree planting and its failure to make up for the loss.
- 41 In this instance the proposal includes a similar level of re-planting on the site and includes native species. The submission argues that the scale of trees to be planted is more appropriate for a domestic garden. In this revised proposal the applicant wishes to remove additional trees to those which have already been felled. These are large conifer and spruce trees at the south end of the site which are growing on the banking between the pond and retaining wall.

The statement argues that these trees could potentially threaten the stability of the bank if they were uprooted, possibly risking a breach to the pond. They also cast a shadow over the pond which contributes to its limited bio diversity value. Whilst no detailed tree survey of these particular trees has been provided I do believe the argument of the applicant within the statement is logical. The statement includes an indicative garden layout to demonstrate the detail of re-planting proposed.

- 42 Whilst I acknowledge that the site was more wooded previously than it is now I consider the remaining level of planting on site to be reasonable in the context of the built development in the surrounding area and I consider those trees which will be retained, together with the re-planting proposed to be appropriate and therefore in accordance with Policy PM1A and B of the LDP.
- 43 The new pipe proposed at the southern end of the pond will result in the water level of the pond reducing and at some times of the year, depending on rainfall the pond may have very little water in it but it will always exist at a wetland area. The outfall pipe at the southern end only discharges a small amount of water at a time to ensure flood risk is not increased downstream and therefore the level of water in the pond will rise occasionally depending on rainfall. At those times the pond basin will fill and the flood water slowly released until the pond reaches a lower level again. I have no concerns with the depth of the pond reducing, I do not consider this to impact detrimentally on visual amenity.
- 44 A condition is recommended to ensure the re-planting is carried out within a reasonable timescale. A condition to ensure the protection of existing trees during construction operations is also recommended. I am satisfied that this re-planting scheme is sufficient to address the impact of the unauthorised felling and ensures that a sufficient landscape buffer will be retained between the public road, neighbouring properties and the housing site. I therefore believe that the application complies with the policies of the Development Plan relating to visual amenity, placemaking and landscape character.

Accuracy of Plans

- 45 The plans are considered to be sufficient in order for an assessment of the proposal to be made.

Economic Development

- 46 There are no economic development implications as a result of this development.

LEGAL AGREEMENTS

- 47 None required

DIRECTION BY SCOTTISH MINISTERS

- 48 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 49 In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, despite the previous refusal of the Council, I remain of the view that the proposal complies with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2012. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The re-planting as indicated on drawing ref: 16/00079/2 shall be carried out and completed in full within 6 months of the approval of this application, all to the satisfaction of the Council as Planning Authority.

Reason - In order to ensure the replanting is carried out within a reasonable timescale.

- 3 All trees marked for retention on the approved plans shall be retained and protected in line with BS 5837:2012 Trees in Relation to Design, Demolition and Construction. All protective fencing required shall remain in place for the duration of works at the site and shall only be removed upon completion of all works, all to the satisfaction of the Council as Planning Authority.

Reason - In order to provide protection for retained trees during construction works.

- 4 The trash screen on the outlet pipe shall be installed at an angle of between 45 degrees and 60 degrees rather than vertically against the headwall. A revised plan demonstrating this change shall be submitted to and approved in writing by Planning Authority prior to the commencement of any development. The

details, as approved in writing, shall be implemented as part of the site development and completed in their entirety alongside the works to the pond.

Reason - In order to allow for regular maintenance

- 5 The 150mm pipe and trash screen shall be maintained and kept free of obstruction at all times. All debris shall be removed and vegetation cut back in order to maintain a functioning outlet pipe. All to the satisfaction of the Council as Planning Authority in consultation with SEPA.

Reason - To ensure the pipe and trash screen are kept free from obstruction

- 6 No removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation to the Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to and approved in writing by the Planning Authority prior to commencement of works.

Reason – To protect any birds which may be present on site at the time of felling.

- 7 Where it is intended to create semi-natural habitats, all species used in the planting proposals as detailed in drawing 16/00079/2 shall be locally native species of local provenance unless otherwise agreed in writing with the Planning Authority.

Reason – In order to improve bio diversity in the area.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 4 Any further changes to the pond will require further planning consent. If the applicant/owner intends to carry out further changes to the pond contact should be made with the Planning Authority and SEPA prior to carrying out any works.
- 5 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 4 letters of representation

Contact Officer: John Williamson – Ext 75360

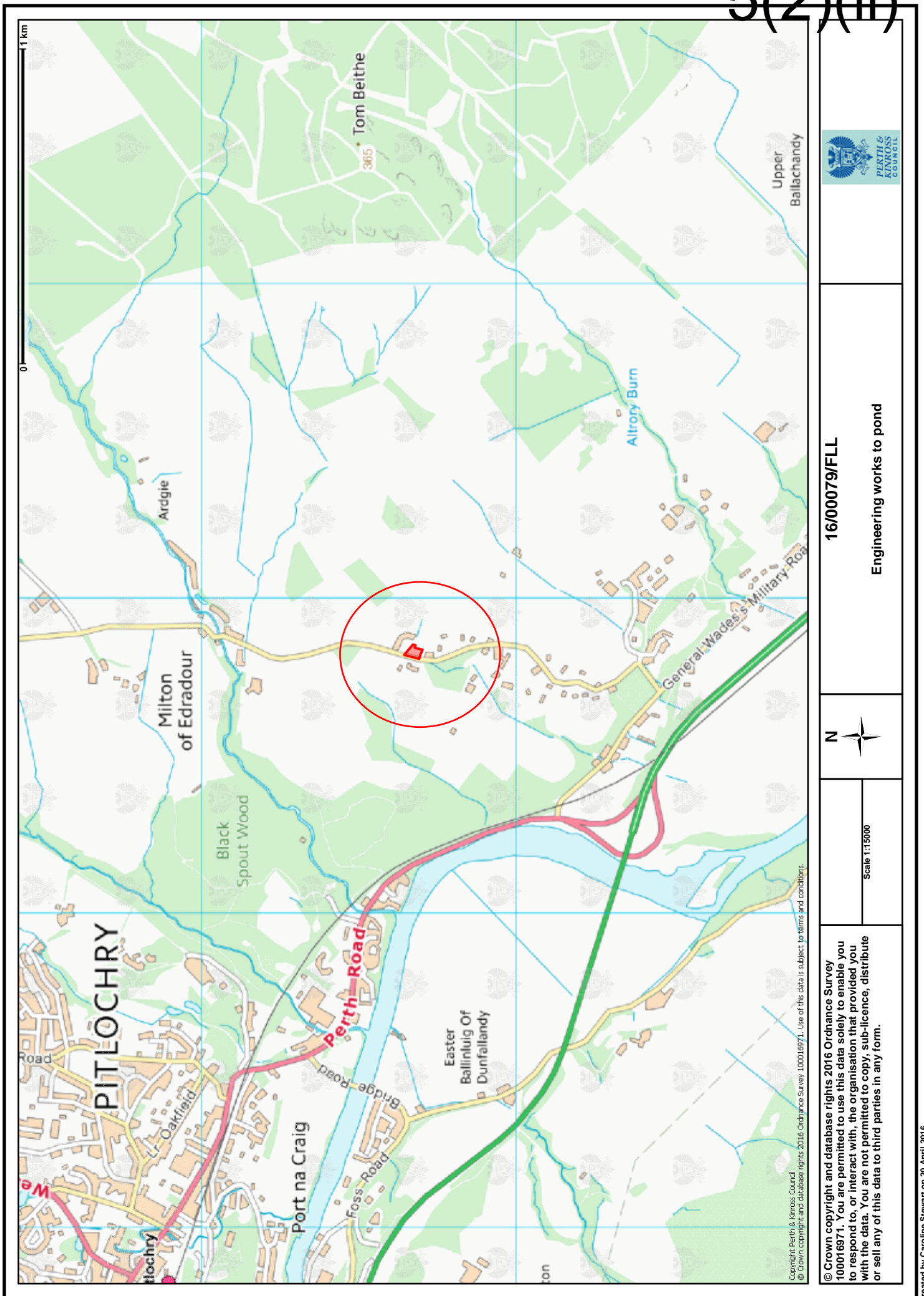
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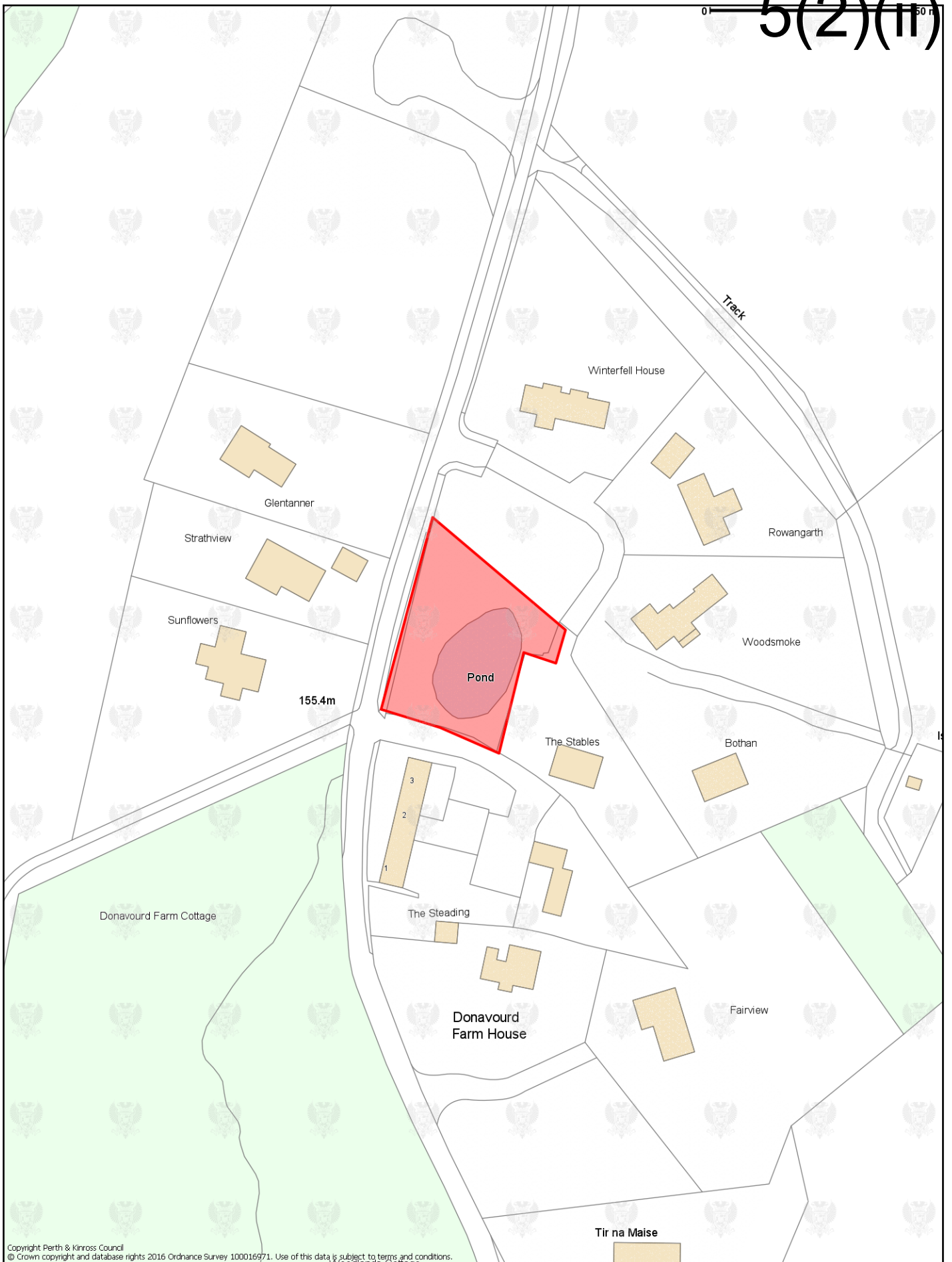
Nick Brian
Development Quality Manager

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16/00079/FLL

Engineering works to pond



