

Perth and Kinross Council  
Planning & Development Management Committee – 29 July 2020  
Report of Handling by Head of Planning & Development (Report No. 20/122)

**PROPOSAL:** Section 42 application to modify Condition 15 (Contaminated Land) of permission 16/00999/AMM

**LOCATION:** Morris Leslie, Errol Airfield, Grange, Errol, PH2 7TB

Ref. No: [20/00169/AMM](#)

Ward No: P1 - Carse Of Gowrie

### **Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application seeks a further Approval of Matters Specified in Conditions (AMSC), subject to the same proposal approved in 16/00999/AMM for 240 dwellings, a local centre, sports pitch and play area. The applicant is requesting to formally amend Condition 15 (Contaminated Land) of that permission, which currently reads as follows:

*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. An intrusive investigation should be undertaken to identify:*

- I. The nature, extent and type(s) of contamination on the site*
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed*
- III. Measures to deal with contamination during construction works*
- IV. 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.*

- 2 The applicant has proposed the following modification of Condition 15 to ensure the contaminated land assessment for the dwelling site area approved under 16/00999/AMM is acceptable and that future assessments will still be required to be submitted for any future development proposals within the remainder of the PPP site:

*Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Application ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.*

- I. The nature, extent and type(s) of contamination on the site;*
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;*
- III. Measures to deal with contamination during construction works;*
- IV. Condition of the site on completion of decontamination measures.*

*Prior to the completion or bringing into use 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 be submitted to the Council as Planning Authority.*

*For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.*

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.*

- 3 The site is located within the settlement boundary of Grange/Errol Airfield in the Perth and Kinross Local Development Plan 2 2019 (LDP2) and is recorded as having planning permission for housing. The predominantly flat site extends to approximately 58.3 hectares, 0.75km north east of Errol village. It forms part of the disused Errol Airfield facility which provides buildings for small businesses and there are some residential properties to the north of the site.
- 4 The site is bound to the north by the C484 Errol to Grange road, to the east by the remaining airfield area and to the west by a burn and farmland. The south of the site is contained by reed beds and the River Tay which is a designated Special Protection Area (SPA) is a further 300 metres away. Access to the site will be via a new main access road to the west that was also approved under 16/01491/FLL in July 2017. Development of the road has commenced and now provides access to a new temporary medical centre approved under 18/00628/FLL.
- 5 Planning Permission in Principle (PPP) was approved in October 2010 (05/02418/IPM) and extended in January 2014 (13/01823/FLM). Detailed permission was granted in July 2017 for 240 dwellings, a local centre, sports

pitch and play area within the northern half of the PPP site (16/00999/AMM). Development of this site has commenced with the establishment of the approved acoustic bund along the northern boundary of the site with existing commercial businesses, including Tayside Granary and some residential properties.

- 6 A Contaminated Land Assessment was carried out by the applicant in 2019 and submitted to the Council in March 2019 with a Remediation Strategy submitted in July 2019. The Assessment and Remediation Strategy, whilst considered acceptable, was however only performed for the housing development area shown in 16/00999/AMM and does not cover the entire red line site boundary of said application site or the PPP site boundary. The overall site area is much larger than the proposed housing because the PPP restricts the applicant to a maximum of 240 dwelling units. The submitted details 16/00999/AMM shows large areas of land to the south of the approved dwellings still within the red line boundary and highlighted as future development areas. It is the future development areas that have not been subjected to a Contaminated Land Assessment.
- 7 In the event that applications for development are submitted for the remainder of the PPP site, further contaminated land assessments will be required to be undertaken, as the initial assessment showed high levels of lead due to its previous use as a firing range during World War II. The agreed remediation is that the lead is removed and placed at the base of the approved acoustic bund along the northern boundary.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8 An EIA Report was not required to be submitted with the proposal as the nature and type of proposal falls below the EIA thresholds.

### **PRE-APPLICATION CONSULTATION**

- 9 Not required for S42 applications.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

- 11 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.

### **Scottish Planning Policy 2014**

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and 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; and
  - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Valuing the Natural Environment : paragraphs 193 – 218

### **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation

### **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

- 16 TAYPlan sets out a vision for how the region will be in 2036 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 2036 the TAYplan area 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.”*

- 17 There are no sections of TAYplan 2016 of particular importance in the assessment of this application.

## Perth and Kinross Local Development Plan 2019

- 18 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking  
Policy 17: Residential Areas  
Policy 58A: Contaminated and Unstable Land: Contaminated Land

## SITE HISTORY

- 20 [05/02418/IPM](#) Development of sustainable village. Approved against recommendation by Development Control Committee November 2008 with decision issued after the signing of a Legal Agreement October 2010.
- 21 [13/01823/FLM](#) Variation of condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.
- 22 [16/00999/AMM](#) Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of open space/play provision, associated infrastructure and other associated works (approval of matters specified in conditions 13/01823/FLM). Approved by Planning & Development Management Committee July 2017.
- 23 [16/01491/FLL](#) Formation of access, landscaping and associated works in association with 16/00999/AMM. Approved by Planning & Development Management Committee July 2017.

## CONSULTATIONS

- 24 As part of the planning application process the following was consulted:  
**Internal**
- 25 **Land Quality (Contaminated Land)** – No objection to the proposed modification as it ensures further assessments will be carried out should development proposals be submitted.
- 26 **Structures and Flooding** – No objection to the proposed modification, subject to clarification through conditions in respect of surface water drainage and floor levels of properties.

## REPRESENTATIONS

- 27 The following points were raised in the one representation received from the adjoining granary business:
- Proximity of new housing with the granary and potential for friction; and
  - Safety concerns with increased pedestrians, residential traffic and cyclists.
- 28 These issues were addressed in the 16/00999/AMM application. The principle of development has been established, with these matters addressed in the extant approval and, as such, they are not material to the assessment of the S42 application.

## ADDITIONAL STATEMENTS

29	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Supporting Statement Submitted

## APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### Principle

- 31 Since the approval of the 16/00999/AMM application in July 2017 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained with the site being included within the settlement boundary for Grange/Errol Airfield in LDP 2 and, further, development has commenced on site through the now extant permission 16/00999/AMM with formation of the acoustic bund and site access.
- 32 The proposed modification of Condition 15 (Contaminated Land), to require further contaminated land assessments be undertaken should further applications for development be submitted within the overall site, must be assessed to ascertain if there is any adverse impact on the area or a risk that required assessments will not be completed.

## **Contaminated Land Assessment**

- 33 The Contaminated Land Assessment carried out in 2019 by the applicant showed areas within the approved housing layout to have higher levels of lead contamination than expected. The lead is from the former airfields previous use during World War II as a practice firing range for the military. It was agreed by the Council's Land Quality Officer that remediation of the lead was required as it could not be left in place within future housing plots.
- 34 A Remediation Strategy, which was submitted in July 2019, identified that lead contamination be stripped from the approved development area and placed and capped at the base of the approved acoustic landscape bund along the northern perimeter of the site. The Land Quality Officer agreed with this assessment and conclusion. The acoustic bund, construction of which has already commenced, is required to ensure there will be no noise issues for the residential properties arising from activities in the adjacent commercial units including the granary business.
- 35 Whilst the Contaminated Land Assessment and agreed Remediation Strategy deals with the approved housing development area covered by 16/00999/AMM, it does not include the wider undeveloped area covered by both the red line of 16/00999/AMM or the PPP. Concern was expressed by the Land Quality Officer that there are areas within the red line boundary that have not been surveyed and as a consequence, there is a risk of unknown contamination within the remainder of the overall site.
- 36 The assessment undertaken covers the approved housing development area but Condition 15, as worded, cannot be fully discharged without the entire site area being surveyed for potential contamination. The proposed modification to Condition 15 acknowledges the surveys for the approved housing development are acceptable. The proposed additional wording will ensure that, should development proposals come forward within the remainder of the site, further contaminated land assessments will be carried out and submitted to the Planning Authority. The Land Quality Officer is content with the proposed modification and that it will continue to comply with LDP2 Policy 58A - Contaminated and Unstable Land: Contaminated Land. The proposed modification to Condition 15 is therefore considered to be acceptable.

## **Design and Layout**

- 37 The proposed modification to Condition 15 will have no impact on the approved (16/00999/AMM) and under construction layout as no physical changes are being proposed.

## **Landscape**

- 38 The proposed modification to Condition 15 will have no impact on the local landscape as no physical changes are being proposed.

### **Visual Amenity**

- 39 The proposed modification to Condition 15 will have no impact on the visual amenity of the area as this will remain unaltered.

### **Roads and Access**

- 40 The proposed modification to Condition 15 will have no impact on the road network.

### **Drainage and Flooding**

- 41 The proposed modification to Condition 15 will have no impact on any drainage infrastructure or result in increased flood risk. This is subject to further clarification being sought in amended conditions for Sustainable Urban Drainage System (SUDS) and specification of the proposed Finished Floor Levels (FLL) of the properties in the interest of flood prevention (Conditions 7 and 8 respectively).

### **Natural Heritage and Biodiversity**

- 42 The proposed modification to Condition 15 will have no impact on the biodiversity of the area.

### **Developer Contributions**

- 43 No contributions are required by this S42 application.

### **Economic Impact**

- 44 The proposed modification will not have an impact on the local economy.

### **Other Matters**

- 45 The 16/00999/AMM permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in 2019. It is good practice, when approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered to should remain and reference should be made to detail or specification approved as part of the condition approval process for the existing AMSC. Several conditions as set out in the recommendation section below have been amended to accord with practice.

### **LEGAL AGREEMENTS**

- 46 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, education contributions, transport infrastructure contributions, open space, play area, sports pitch provision and maintenance. It



is future-proofed for S42 applications so will not require modification in light of this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

- 47 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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**

- 48 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan.
- 49 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

- 1 The 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 Prior to the occupation of any residential plot, all matters regarding access, car parking, 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 and to the satisfaction of the Planning Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

- 3 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme, including the sports pitch as approved (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the Development Plan.

- 5 The approved children's play area(s) (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 6 The approved delivery and phasing plan (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 7 Notwithstanding the submitted plans, development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as 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. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

- 8 The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason: To reduce the risk of flooding.

- 9 All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 10 The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.

Reason: To ensure a satisfactory standard of local environmental quality.

- 11 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To ensure a satisfactory standard of local environmental quality.

- 12 Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

- 13 The approved Construction Traffic Management Scheme (CTMS) (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason: In the interest of road safety.

- 14 The agreed level and location of recycling facilities (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.

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

- 15 Prior to the commencement of works on site in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.

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

Prior to the completion or bringing into use 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 be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

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

- 16 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 17 No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 18 If the development hereby approved having commenced in 2019, is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be reviewed and,

where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 19 Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). 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.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 20 Prior to the occupation and use of the approved development the applicant shall, at his own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason: In the interest of road safety.

- 21 No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of promoting sustainable travel.

- 22 The approved external lighting plan (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.

Reason: To minimise any light pollution.

- 23 The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April – August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and Natural Scotland (formerly SNH) prior to the commencement of the development on site.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 24 The approved details relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 25 The approved details of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 26 No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.

Reason: In the Interest of vehicle and pedestrian safety.

- 27 Prior to the completion of any residential plot, details of the bus stops shown in the Site Layout Plan shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

- 28 Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.

Reason: In the Interest of vehicle and pedestrian safety.

## **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 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 This development requires 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.
- 3 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  - 4 The applicant is advised that in terms of Section 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 Scottish Water and the Scottish Environment Protection Agency.
  - 5 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, Pullar House, Kinnoull Street, Perth.
  - 6 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.

- 7 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
- 8 The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
- 9 Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
- 10 The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
- 11 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.
- 12 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/00999/AMM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply

Background Papers: 1 letter of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 16 July 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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