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Council Building
2 High Street
Perth
PH1 5PH

22 April 2020

A Meeting of the **Planning and Development Management Committee** will be held virtually via Microsoft Teams on **Wednesday, 29 April 2020 at 10:00**.

If you have any queries please contact Committee Services - Committee@pkc.gov.uk.

KAREN REID
Chief Executive

For members of public to view this meeting you should use this link to the [Planning and Development Management Committee, 29 April 2020, 10.00am](#).

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Eric Drysdale
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Callum Purves
Councillor Crawford Reid
Councillor Richard Watters
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 29 April 2020

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 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 11 MARCH 2020 FOR APPROVAL** **5 - 20**
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 19/01165/AMM - CRIEFF - ERECTION OF 246 DWELLINGHOUSES, FORMATION OF VEHICULAR ACCESSES, PLAY PARK, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 18/02213/IPM), LAND 200 METRES SOUTH WEST OF WILTSHIRE FOODS, BROICH ROAD, CRIEFF (PART OF LDP SITE MU7)** **21 - 54**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/87)
- 5(1)(ii) 19/01927/MWM - AUCHTERARDER - MINERAL EXTRATION AND PROCESSING INCLUDING ALTERATIONS TO VEHICULAR ACCESS, ERECTION OF ANCILLARY BUILDINGS, LANDSCAPING, REINSTATEMENT AND ASSOCIATED WORKS (PHASE 3) (IN PART RETROSPECT), LAND SW OF ARNS FARM, AUCHTERARDER** **55 - 88**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/88)

- 5(1)(iii) 19/02106/MWM - BANKFOOT - FORMATION OF A BORROW PIT, VEHICULAR ACCESS AND TRACK, STORAGE YARD AND CAR PARKING, SITING OF ANCILLARY PROCESSING EQUIPMENT, 2 PORTABLE BUILDINGS FOR OFFICE AND CANTEEN USE AND ASSOCIATED WORKS FOR A TEMPORARY PERIOD (S42 TO MODIFY CONDITION 9 (HOURS OF OPERATION) OF PERMISSION 18/00395/MWM), LAND SOUTH OF LOAK FARM, BANKFOOT** **89 - 106**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/89)
- 5(2) PROPOSAL OF APPLICATION NOTICE (PAN)**
- 5(2)(i) 20/00002/PAN - PERTH - ERECTION OF A REPLACEMENT PRIMARY SCHOOL AND ASSOCIATED WORKS** **107 - 116**
Pre-application Report by Head of Planning and Development
(copy herewith 20/90)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held in the Council Chamber, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 12 February 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, C Purves, C Reid and W Wilson.

In Attendance: G Bissett, E McLaughlin, L McLean, L Reid and D Salman (all Housing and Environment); K Smith, A Condliffe, S Callan, G Fogg, D Williams and M Terava (all Corporate and Democratic Services).

Apologies: Councillors B Band and R Watters.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

Councillor I James declared a non-financial interested in Art. *(1)(ii).

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 12 February 2020 (Arts.) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
18/02232/FLM(1)(ii)
19/01130/AMM(2)(i)
19/01919/FLL(2)(ii)

. APPLICATION FOR DETERMINATION

(1) Major Application

- (i) 18/02232/FLM – PERTH – Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 13 (construction deliveries) of planning permission

15/01808/FLM (formation of park and ride facility, access road, landscaping and associated works), land at Nether Lairwell, Perth – Report 20/61 – Perth and Kinross Council

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the 2015 Environmental Statement and Addendum, approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Council as Planning Authority in writing, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topic areas:
 - Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores.
 - Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off.
 - Environmental Management Plan (EMP) to deal with noise, vibration and dust, on and off the site and methods of monitoring levels for each.
 - Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary).Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.
Reason - In the interest of protecting the environmental interests associated with this site.
3. 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 has been submitted to and approved in writing by the Council as Planning Authority, in consultation with the Perth and Kinross Heritage Trust. 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

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undertaken to the satisfaction of the Council as Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason - In order to comply with the requirements of the Scottish Planning Policy 2014.

4. No removal of vegetation 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 prior to any removals to the Council as Planning Authority.

Reason - In order to ensure that breeding birds are not adversely affected by the development.

5. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts have been submitted to and agreed in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day, all to the satisfaction of the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason - In order to protect local wildlife.

6. All lighting (construction task, security and operational but excluding lighting at the trunk road) must be designed, installed and positioned in such a way as to ensure that a) there is no direct illumination of neighbouring land, b) that light spillage beyond the boundaries of the site is minimised and c) no light spillage occurs onto adjacent watercourses and woodland.

Reason - In order to control artificial lighting.

7. Where it is intended to create semi-natural habitats, all species and seed mixes used in the planting proposals as detailed in approved plan 18/02232/7 shall be locally native species of local provenance, unless otherwise agreed in writing with the Council as Planning Authority.

Reason - In order to promote bio-diversity.

8. Prior to the commencement of any development on site, confirmation of the timescales for all proposed landscaping / planting shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, as per

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the approved timescales to the satisfaction of the Council as Planning Authority. Any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - In the interest of protecting the visual amenity of the area and in the interests of proper site management.

9. Wildlife kerbing shall be installed adjacent to each road gully within the development to protect wildlife from falling into road gullies.

Reason - In order to protect existing wildlife.

10. Pre-construction surveys shall be undertaken to ascertain the presence or absence of protected species and breeding birds and written confirmation that no protected species or birds will be harmed and/or that there are appropriate measures in place to protect any protected species and nesting birds. Any such written confirmation shall be submitted to the Council as Planning Authority, prior to any development commencing on site.

Reason - In order to ensure that no protected species have entered the construction site since the previous surveys were undertaken.

11. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post until the development is complete. The ECoW shall have responsibility for the following:

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Inspection and written confirmation as necessary in relation to Condition 4.
- (c) 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.
- (d) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
- (e) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (f) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.

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- (g) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (h) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction phase and during the implementation the approved landscaping scheme unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - In order to ensure that all ecology aspects surrounding the site are monitored throughout the construction phase.

- 12. Prior to the erection of any waiting bays/shelters, details of such structures shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented as per the approved plans and thereafter maintained to an acceptable standard.

Reason - In the interest of proper site management

- 13. All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs and Saturday 08:00 to 13:00hrs and at no other times.

Reason - In the interest of protecting the residential amenity of the area.

- 14. The hours of operation at the construction phase shall be Monday to Friday 07:00 to 19:00hrs, Saturday 08:00 to 13:00hrs and no noise producing work activities on a Sunday.

Reason - In the interest of protecting the residential amenity of the area.

- 15. Prior to commencement of the development an additional air quality assessment with includes specific detail and assessment of the final route of buses within Perth's AQMA and takes into account the type of buses, shall be submitted to, evaluated and approved in writing by the Council as Planning Authority.

Reason - In the interest of protecting the AQMA.

- 16. Prior to the commencement of any development on site, precise details of all improvements, upgrades and re-routing of all existing public paths within and immediately adjacent to the site (including those adjacent the trunk road) shall be submitted to and approved in writing by the

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Council as Planning Authority. The details must include specification details of surfacing and widths, and the timescales for the works to be carried out. The approved details shall be implemented in full, within the agreed timescales.

Reason - In order to protect public access rights.

17. Prior to the commencement of any development on site a detailed management plan indicating any temporary diversions of any core path which is required to facilitate the development shall be submitted to and approval in writing by the Council as Planning Authority. The management plan must include the specific details relating to any path diversion and details of the duration of any temporary diversions. The approved details shall thereafter be implemented in full.

Reason - In order to protect public access rights.

18. No core path within or adjacent to the site shall be obstructed during building works or on completion. Any damage done to the route and associated signage during building works must be made good before the operation of the development. Any temporary restrictions to public access required to facilitate works on site must be agreed in writing (in advance) with the Council as Planning Authority.

Reason - In order to protect public access rights.

19. Prior to the commencement of any development on site, precise details of all proposed new footways/cycle ways shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification for the construction of the new paths and their widths, and the timescale for their implementation. The approved details shall thereafter be implemented in full.

Reason - In order to protect public access rights.

20. Prior to the commencement of any development on site, precise details of the public access arrangements to all existing and proposed public paths leading to and from the facility shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full.

Reason - In order to ensure that public access is maintained at all reasonable times, to the local path network.

21. The discharge of any surface water drainage shall be limited to the Greenfield runoff rate for the River Tay. All discharge rates shall be submitted to and approved in writing by the Council as Flooding Authority prior to the commencement of any development on site. The approved rates shall thereafter be adhered to in full.

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Reason - In order to ensure that flood risk is adequately addressed.

22. Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure must be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Structures and Flooding Team prior to any development commencing. The approved details shall thereafter be implemented prior to the completion of development.

Reason- In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

23. Prior to the commencement of any development on site, revised drawings which show the slope of the SUDS ponds embankments of 1 in 4 shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason - In order to ensure the SUDS basin complies with the Council's standards.

24. For the avoidance of doubt, the proposed vehicular access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 4 modified to include tapers for large vehicles, all to the satisfaction of the Council as Planning Authority in consultation with Transport Scotland.

Reason - To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

25. Prior to the commencement of any development, precise details of the lighting which directly affects the trunk road at the proposed junction shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Transport Scotland. The approved details shall be implemented in full prior to the facility being brought into use.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road.

26. Prior to the operation of the park and ride facility, a plan detailing the details of an unclimbable fence along the boundary of the trunk road shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Transport Scotland. The approved details shall thereafter be implemented prior to the facility being brought into use and shall thereafter be maintained by the developer or any subsequent owner of the land.

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

27. For the avoidance of doubt, there shall be no drainage connections to the trunk road drainage system.

Reason - To ensure that the efficiency of the existing drainage network is not affected.

28. Prior to the commencement of any development on site, details of the proposed cycle provision shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full and be available for use when the facility is operational.

Reason - In order to ensure that adequate cycle provision is provided.

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.

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. 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 is included for your 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.
4. As soon as practicable after the development is complete, the person who completes the development is

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- 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.
5. The applicant should ensure that any existing way leaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
 6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/pipe work and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.
 7. The design and construction of the proposed drainage outfall under the railway must be carried out in full agreement with Network Rail. The developer should be aware that they will have to secure a wayleave agreement with Network Rail to route the outfall under the railway.
 8. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).
 9. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
 10. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height and agreed with Network Rail.
 11. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be

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carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

12. The developer must contact Network Rails Asset Protection Engineers regarding the above matters, contact details below:
Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail - AssetProtectionScotland@networkrail.co.uk
13. All necessary cost associated with the construction, supervision and safety audits relevant to the matters affecting the trunk road, including all additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be funded by the developer.
14. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the Planning Authority which is available on the Council's planning portal.
15. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
16. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
17. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.
18. The trunk road lighting at the proposed junction is inadequate and will require to be extended (or deleted altogether). Further discussions will be required with Transport Scotland's operating company regarding the necessary requirements to provide lighting on the trunk road.

19. Adequate signage should be displayed to deter motorists from accessing the park and ride facilities through The Holdings, West Kinfauns.

Content and Adequacy of the Environmental Impact Assessment

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The applicant submitted an EIA Report on the 23 April 2019, which comprised the 2015 Environmental Statement and an updated addendum. The public had the opportunity to participate in the decision-making process through notification of the EIA, undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and in the Perthshire Advertiser.

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.

Parts 4 and 5, of the Environmental Impact Assessment (Scotland) Regulations 2017 outlines the information required to be included and processes undertaken in any EIA. The contents and the associated background information pertaining to the EIA Report alongside consultation, publication and notification are considered to fully meet the requirements of those regulations through this planning submission.

The 2015 Environmental Statement provides the baseline, the information gathered to consider the likely significant effects on the environment, including cumulative impacts and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The following EIAR chapter headings were covered in relation to the proposal:

- Chapter 1 – Introduction
- Chapter 2 – The Proposed Scheme
- Chapter 3 – Alternatives
- Chapter 4 – EIA Methodology
- Chapter 5 – Air Quality

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- Chapter 6 – Archaeology and Heritage
- Chapter 7 – Ecology and Nature Conservation
- Chapter 8 – Hydrology, Hydrogeology and Geology
- Chapter 9 – Landscape and Visual Assessment
- Chapter 10 – Noise and Vibrations
- Chapter 11 – Traffic and Transport
- Chapter 12 – Cumulative effects
- Chapter 13 – Residual Effects
- Chapter 14 – Concluding Statement

In addition to the above, the 2019 addendum outlines the additional issues that the proposed amendment to the condition raises. The Planning Authority is satisfied that the combination of the 2015 Environmental Statement and the 2019 addendum complies with Regulation 5 is therefore suitable for determination of the planning application.

The Planning Authority has considered the, other environmental information and recommendation from consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects subject to further conditional controls and the ongoing monitoring measures for the construction and operation phase of the facility.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions, the proposal is considered acceptable and can be approved.

- (ii) **19/01130/AMM – STANLEY – Erection of 183 dwellinghouses and 4 flats, formation of a vehicular access, play park, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM), land at Stanley (LDP Site H30) – Report 20/62 – Muir Homes Ltd and Zurich Assurance Ltd**

Prior to consideration of application 19/01130/AMM, A Condliffe, Team Leader, advised members that references to the A93 in paragraphs 3, 4 and 63 in Report 20/62 were made in error and should refer to the B9099.

Mr Riche, on behalf of Stanley and District Community Council and Councillor G Laing, objectors to the application, followed by Mr Kernohan and Mr Wood, on behalf of the applicant, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors H Anderson and E Drysdale)

The application be deferred for this application to come

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forward at the same time as the relevant roads application to a future meeting of the Planning and Development Management Committee, for an unaccompanied site visit to take place, which members must attend in order to be eligible to vote on the application, and for the independent road safety report to be available to members.

Amendment (Councillors R McCall and D Illingworth)

Grant, subject to the conditions and informatives contained in Report 20/62.

In terms of Standing Order 58 a roll call vote was taken.

8 members voted for the Motion as follows:
Councillors H Anderson, M Barnacle, B Brawn E Drysdale, I James, C Purves, C Reid and W Wilson.

3 members voted for the Amendment as follows:
Councillors. T Gray, D Illingworth, R McCall

Resolved:
In accordance with the Motion.

(2) Local Applications

- (i) 19/01891/FLL – PERTH – Change of use from dwellinghouse (class 9) to guest house (class 7), Woodcroft, Bellwood Park, Perth, PH2 7AJ – Report 20/63 – Mrs C Dingwall Slater**

Mr Cumming, followed by Councillor C Ahern, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Councillor W Wilson put forward an amendment to refuse, however, failing to secure a seconder the amendment fell.

Resolved:
Grant, subject to the following condition and informatives:

Condition

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

Justification

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

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.

COUNCILLOR BARNACLE LEFT THE MEETING AT THIS POINT.

- (ii) **19/01919/FLL – COUPAR ANGUS – Erection of switchroom facility and associated works (S42 to modify condition 5 (landscaping and planting) of permission 16/02230/FLL), Coupar Angus Substation, Pleasance Road, Coupar Angus – Report 20/64 – Scottish Hydro Electric Transmission plc**

Mr D and Mr S Galloway, objectors, addressed the committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. 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

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11 MARCH 2020

daily, or Noise Rating 20 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 - In the interests of amenity and to prevent undue noise from the switchroom and associated plant.

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) following the date of this decision. The approved scheme shall thereafter be maintained, to the satisfaction of the council as planning authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the 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. 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.

(3) Proposal of Application Notice (PAN)

- (i) **19/00011/PAN – INVERGOWRIE – Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training**

and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works at The James Hutton Institute, Errol Road, Invergowrie – Report 20/65 – The James Hutton Institute

Councillor McCall requested that consideration be given to traffic concerns.

Councillor Wilson requested that consideration be given to issues regarding core paths, noise and transport implications.

Members noted the issues identified by the Head of Planning and Developments Report.

- (ii) **20/00001/PAN – PERTH – Mixed use development comprising residential, business, education and industrial use, hotel, community and health facilities, storage and distribution centres, charging/fuelling station, formation of A9 junction, link road, active travel network, innovation highway and public road improvements, vehicle depot and parking areas, heritage park, open spaces, landscaping and associated works at Perth West (MU70), Old Gallows Road, Perth – Report 20/66 – The John Dewar Lamberkin Trust**

Councillor Wilson requested that consideration be given to the relationship with neighbouring land uses.

Members noted the issues identified by the Head of Planning and Developments Report.

Perth and Kinross Council
Planning & Development Management Committee – 29 April 2020
Report of Handling by Head of Planning & Development (Report No. 20/87)

PROPOSAL: Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM)

LOCATION: Land 200 Metres South West of Wiltshire Foods, Broich Road Crieff (Part of LDP Site MU7)

Ref. No: [19/01165/AMM](#)
 Ward No: P6 - Strathearn

Summary

This report recommends approval of the application. The development is considered to comply with the relevant provisions of the Planning Permission in Principle 18/02213/IPM and those of the Development Plan, in particular its allocation in the Perth and Kinross Local Development Plan 2 (2019) under site reference MU7. There are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed site forms part of the MU7 allocation in the Perth and Kinross Local Development Plan (2019) (LDP2). The LDP2 allocation totals an area of 47 hectares (ha), with the indicative range of 409-639 residential units and 5 ha of employment land.
- 2 Planning Permission in Principle (PPP) was granted for the entire allocation in December 2015 (15/01237/IPM) and again in June 2018 (18/02213/IPM), which was subject to planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design detail for each phase. A masterplan was submitted with the PPP application indicating 400+ units in total for all residential phases, with 5 ha of employment land; however, the residential figures were indicative and not approved.
- 3 This proposed site, forming Phases 1-4 of residential development, extends to approximately 11.03 ha. The site is located to the south east of Crieff, is currently used as agricultural land and is reasonably flat with a slight fall as you move south. It is bounded by the B8062 Broich Road to the north with Aldi food store immediately across the road; further agricultural land to the east and Scheduled Monument; woodland and a path to the south with the River Earn beyond. To the west are existing residential properties and a camping and caravan site.

- 4 This current application is the first under the PPP seeking AMSC and proposes the following development for Phases 1 to 4:

Open Market

- 20 x 2-bedroom 2 storey dwellinghouses (semi-detached)
- 50 x 3-bedroom 2 storey dwellinghouses (semi-detached)
- 26 x 3-bedroom 2 storey dwellinghouses (detached)
- 83 x 4-bedroom 2 storey dwellinghouses (detached)
- 3 x 5-bedroom 2 storey dwellinghouses (detached)

Total = 182

Affordable Housing

- 8 x 2-bedroom bungalows
- 2 x 3-bedroom bungalows
- 2 x 3-bedroom bungalows (wheelchair specific)
- 25 x 2-bedroom terraced dwellinghouses
- 21 x 3-bedroom terraced dwellinghouses
- 6 x 2-bedroom flats

Total = 64

Infrastructure

- Vehicle access x 2 off Broich Road;
- Road and footpath path connection to the west with rest of allocated site;
- 5 x accessible paths links to existing path network;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage System (SUDs) basin;
- Retained and enhanced woodland and additional structural buffer planting

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 An EIA Report was submitted with and approved as part of the Planning Permission in Principle (PPP) 15/01237/IPM application. An EIA Addendum was also submitted for the 2019 S42 application. A fresh screening was undertaken for this AMSC and concludes that the impacts arising from this development have not changed from the original EIA development or EIA Addendum. As the EIA Addendum is up to date no further EIA process is required for this application.

PRE-APPLICATION CONSULTATION

- 6 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for PPP application.

NATIONAL POLICY AND GUIDANCE

- 7 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

- 8 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

- 9 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.

- 10 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
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269-291

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- 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 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 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

- 12 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

- 13 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 14 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.

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 2 (2019) (LDP2).

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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes

- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 18 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating and Cooling
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- Policy 38C: Local Designations
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated Land
- Policy 60: Transport Standards and Accessibility Requirements:

LDP 2 Allocation – Site Reference – MU7 Broich Road Crieff

- 19 The MU7 site covers 47ha, allocated for an indicative capacity of 409-639 dwellings and 5 ha of employment land. The site-specific developer requirements are:

- Implementation of masterplan with phasing plan;
- Mix of housing types including low cost housing;
- Transport Assessment;
- Public access, extension of core path network to south of Crieff;
- Existing woodland framework to be retained, existing hedge lines and woodland corridors within and around perimeter of site to be extended;
- Enhancement of biodiversity and protection of habitats;
- Flood Risk Assessment;
- Protection of Scheduled Monument;
- Archaeological investigation;
- Energy statement required investigating potential for a heat network to serve the development;

OTHER POLICIES

- 20 The following supplementary guidance and documents are of particular importance in the assessment of this application;

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
- Developer Contributions including Affordable Housing Supplementary Guidance February 2020

SITE HISTORY

- 21 [14/00455/SCRN](#) EIA Screening for proposed mixed use development. Decision Issued April 2014. EIA required.
- 22 [14/01198/SCOP](#) EIA Scoping for proposed mixed use development. Decision issued August 2014.
- 23 [14/00005/PAN](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Content of PAN approved August 2014.
- 24 [15/01237/IPM](#) Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities. Approved December 2015.
- 25 [18/02213/IPM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities (in principle)). Approved June 2019.

- 26 [19/00299/SCRN](#) EIA Screening for AMSC proposal for Phases 1-4. Decision issued July 2019. EIA not required.

CONSULTATIONS

- 27 As part of the planning application process the following bodies were consulted:

External

- 28 **Scottish Environment Protection Agency** – Following submission of further information regarding contaminated land, no objection is now offered.
- 29 **Scottish Natural Heritage** – No objection to the proposal.
- 30 **Transport Scotland** - No objection to the proposal.
- 31 **Historic Environment Scotland** No objection to the proposal as phase 1-4 will not impact the Scheduled Monument within the overall site
- 32 **Royal Society of Protection of Birds (RSPB)** – No response received.
- 33 **Scottish Water** - No objection to the proposal.
- 34 **Forestry Commission Scotland** – No objection as only one tree is proposed to be felled.
- 35 **Perth and Kinross Heritage Trust** – Following further archaeological investigations on-site they have no objection to the proposal. Some further investigation will still be required, and a condition is recommended.
- 36 **Tay Salmon Fisheries Board** – No response received.
- 37 **Scottish Canoe Association** – No response received.
- 38 **British Geological Survey** – No response received.

Internal

- 39 **Transport Planning** - No objection to the proposal following amendments made to the proposed internal road layout to the site.
- 40 **Environmental Health** - No objection to the proposal. Conditional control on noise and dust is recommended.
- 41 **Land Quality** - No objection to the proposal.
- 42 **Biodiversity/Tree Officer** – Following revised plans been submitted, no objection to the proposal but will required updated information before development commences on site.

- 43 **Strategy and Policy** Following revised plans been submitted, no objection to the proposal.
- 44 **Community Greenspace** Following revised plans been submitted, no objection to the proposal.
- 45 **Structures and Flooding** Following revised drainage information been submitted, no objection to the proposal.
- 46 **Development Negotiations Officer** – Proposal is contributing just over 25% (64 dwellings) of the required affordable housing on-site. Primary Education contribution is required towards expansion of the adjacent Crieff Primary School. Transport Infrastructure contributions are also required towards the recent Broich Road improvements undertaken by the Council.

REPRESENTATIONS

- 47 The following points were raised in the 1 letter of representation received:
- Buffer zone too narrow
 - Lack of privacy
 - Too high in density
 - Adverse impact on existing businesses
 - Dog fouling increase
- 48 These issues are addressed in the Appraisal section of the report. It is important to note though that dog fouling is not a material consideration in the assessment of the proposal.

ADDITIONAL STATEMENTS

49	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Undertaken – EIA not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Green Travel Plan; Site Investigation Report; Flood Risk Assessment; Drainage Strategy; Habitat Assessment including Protected Species; Biodiversity Management Plan; Tree Survey; Arboricultural Impact Assessment; Woodland Management Plan; Air Quality Assessment; CEMP; Construction Traffic Management Plan; District Heating Statement

APPRAISAL

- 50 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. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses representations.

Principle

- 51 Since the approval of the 2015 application there has been a Development Plan change with the adoption of TAYplan 2016-2036 and LDP2. Notwithstanding this, the principle of residential development on the site is well established through the allocation in LDP2 (and the previous Local Development Plan) and by virtue that the site forms part of PPP 15/01237/IPM and 18/02213/IPM granted in December 2015 and August 2018 respectively. In addition, TAYplan Policy 1 – Locational Priorities focuses most development to the region's principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a significant contribution to the region's economy.
- 52 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

Density, Design and Layout

- 53 The applicant submitted a Planning Statement and, as required for an allocated site by LDP2 - Policy 2, a Design & Access Statement.
- 54 Conditions attached to the PPP set out the required detail in respect of the layout and design considering: phasing, levels, the siting, design, height and external materials of all buildings and structures. LDP2 Policy 1: Placemaking is relevant in considering these matters.
- 55 Further detail in respect of fencing, landscaping and other technical matters is also required through other planning conditions. These matters are addressed here or in other sections below, as appropriate.

Phasing

- 56 An updated phasing plan has been submitted in support of the application and as required by the PPP and LDP2. Phase 1 will start at the western quadrant of the proposed layout before moving anti-clockwise. The area of open space and play area will be completed in Phase 1 and this is acceptable. Within each of the four phases an appropriate level of affordable housing will be provided. Each area of affordable housing, whilst evenly distributed into four (4) blocks,

are also closely related to allow efficient maintenance by any appointed Registered Social Landlord (RSL).

Density

- 57 The applicant has taken account of feedback following submission regarding the site layout and has updated the layout as requested.
- 58 The scale of development proposes 246 dwellinghouses, within a site with an area just over 11 ha. It is recognised that this is a large site and the number of units proposed would result in the site being medium density (22 dwellings per hectare across the whole site). Areas of open space are proposed within the site that can be enjoyed by all residents in the area, demonstrating the site's capacity for the number of dwellings proposed.
- 59 The proposed number of units can be physically accommodated within the site, along with path provision, a SUDs basin, open space and a play area. The scale of development for this site is considered to be acceptable.

Design and Layout

- 60 There has been significant development on Broich Road over the past 5-6 years, including the development of a new primary school and an Aldi food store. The development of 246 dwellings at this location is a significant extension to Crieff, and it is essential that should be designed with a sense of local identity and context.
- 61 Whilst there is a high percentage of 3 and 4 bedroom detached and semi-detached dwellinghouses, there are areas of terraced housing and bungalows which creates a more defined street scene. This provides an acceptable mix of house types that meets the requirements of LDP2 Policy 25. The proposed rear gardens are in excess of the Council's minimum standards and will not compromise daylight or privacy of each other or any of the existing dwellings or businesses immediately adjacent to the site.
- 62 The proposed layout provides an acceptable design solution for the site; with open space located in the north east quadrant, including a play area. Further areas of open space and paths linkages are located throughout the site. In terms of the proposed design of each house type, there is an acceptable range of designs and materials, reflective of recent modern housebuilding developments elsewhere in Perth and Kinross. Finishing materials are dry dash render (cream colour), roughcast (white and cream) with slate grey flat concrete tile roofs and grey and heritage green uPVC window and door frames which is also acceptable. The general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 - Placemaking.

Open Space and Landscaping

- 63 LDP2 requires the provision of suitable public open space and woodland/hedges retained to support the site and surrounding area. This site provides a large area (3,000sqm) of open space that will benefit residents of

Phases 1-4, residents of future phases and the wider local community by being in an accessible location in the north western corner of the site adjacent to future Phase 5. It is positive to see that the existing boundary woodland and hedges being retained and paths connecting up with the existing core path to the south of the site.

- 64 The PPP requires landscaping to be addressed, together with a landscaping specification. Significant tree planting is proposed throughout the site and, in particular, includes structure planting along the common (eastern) boundary with the adjacent caravan park. Smaller areas of planting are proposed throughout the site that will assist in breaking up views and integrating the proposal in to the landscape, minimising impacts. Over time, the proposed development will blend in with the existing urban environment of Crieff. Subject to a refinement of the planting species and ensuring ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Conditions 8 and 9).

Play area

- 65 Originally, the proposed area of open space and play area was located centrally within the site and was divorced from the proposed SUDs basin. Following feedback from Community Greenspace, the applicant has now relocated the open space and play area next to the SUDs basin in the north western corner of the site, immediately adjacent to future Phase 5. This location better serves the whole development and surrounding area and a condition will be required to ensure its early delivery (Condition 10).
- 66 Overall the design and layout of the scheme is considered to be appropriate when assessed against the relevant matters specified in the PPP and LDP2 Policy 1.

Landscape and Visual Amenity

- 67 The development of the site will have an obvious impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted, as part of the PPP application. Phases 1-4 are in line with the indicative PPP masterplan, with the siting of the units at the western end of the allocated site and closest to existing properties and businesses. The units will be visible within the locality, particularly on Broich Road.
- 68 This degree of change was envisaged in the site allocation in both the LDP and LDP as well as permission granted under the PPP. The proposed design sits comfortably in the surrounding area, as attention has been paid to massing and building heights when considered from all principal adjacent properties. Overall the impact of the proposed layout including landscaping is appropriate when assessed against the relevant matters specified in the PPP, LDP2 Policy 1 and the site-specific requirements.
- 69 The proposed development will, in time, integrate well within the landscape and will not cause any unacceptable visual impacts. The proposal accords with the

provisions of the PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of the landscaping being secured as detailed above.

Residential Amenity

- 70 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas. Policy 1D requires consideration of impacts from housing developments on itself and to also consider associated impacts on infrastructure and open space.

Existing Residential Amenity

- 71 The submitted Transport Assessment for the PPP was modelled on 400+ dwellings and was deemed to be acceptable by Transport Planning in terms of impact on existing traffic flow in the area. The proposal for Phases 1-4 for 246 dwellings is therefore within limits assessed by the TA. The implementation of a Construction Traffic Management Scheme (TMS) will further assist with any residual amenity impacts (Condition 3). The proposal is therefore considered to comply with LDP2 Policy 17 – Residential Areas as the proposed use and impact on the road network is considered acceptable.
- 72 Specific LDP2 policies consider noise and air quality; Policy 56 and Policy 57 respectively.

Existing Commercial Premises

- 73 The existing commercial premises (D&D Dairies and Wiltshire Farm Foods) at the proposed entrances to the development have also been allocated for residential development. These activities are nearing the end of their lease and is expected they will relocate to the 5ha employment area within the PPP site.
- 74 The applicant has provided an indicative residential layout within the Design and Access Statement to demonstrate the potential developability of the existing commercial area. The proposal would include a new footpath brought in behind the existing stone wall. A landscaped green frontage would be incorporated and provide links into the development. The building form would remain as two storey and would include house types that will provide Broich Road with an active frontage. No car parking will be included on the frontage, all parking will be served off the new development framework. If delivered as per the indicative layout it will blend comfortably with Phases 1-4.

Air Quality

- 75 The PPP requires air quality to be addressed and improved as Crieff has an Air Quality Management Area (AQMA). The proposed site is not within the AQMA but could contribute to it. An Air Quality Note (AQN) has been submitted with this application and has been assessed by Environmental Health.
- 76 The AQN contains action points for the control of dust and emissions during the construction stage and are also within the submitted Construction Environment Management Plan (CEMP). The mitigation plan proposes measures to be

incorporated into the detailed design to reduce the effects on air quality from the development during the construction and operational stages. Recommended measures include the distance of sensitive receptors to the roadside (10 metres where possible) and gardens at the front of residential properties on Broich Road.

- 77 Based on the proposed layout, Environmental Health consider that future residents will be able to enjoy their garden areas without any adverse effect from road traffic noise and emissions. The AQN includes measures for sustainable travel plans, green infrastructure, electric charging points, welcome packs for future residents to include public transport, walking & cycling route and local car share club. These are all supported by Environmental Health. In conclusion there will not be any adverse air quality impact on the Broich Road area or Crieff's AQMA. Therefore, there are no conflicts with LDP2 Policy 57.

Noise

- 78 The applicant has submitted an updated Noise Impact Assessment (NIA) in accordance with the conditional requirements of the PPP 18/02213/IPM and previously approved PPP 15/01237/IPM. The NIA has been examined by Environmental Health, which inform this assessment.
- 79 The NIA assessed road traffic noise, vehicle deliveries and processing operations and fixed plant from existing adjacent commercial properties; D&D Dairies and Wiltshire Farm Foods.
- 80 The NIA was undertaken with the proposed mitigation of a 2.5 metre closed boarded timber fence around the site boundary with D&D Dairies and Wiltshire Farm Foods and a 30 metre stand off zone beyond the fence where no residential units will be occupied until the existing commercial operations have ceased and relocated (Condition 25).

Road Traffic Noise

- 81 The assessment for road traffic noise states the external nighttime and daytime levels are such that windows could remain openable for background ventilation and noise from road traffic would not be an issue within habitable rooms at ground and first floor levels and garden areas of proposed dwellinghouse. Therefore no mitigation would be required.

Commercial Noise

- 82 The NIA assessed noise from both existing commercial properties which included operational, plant and delivery activities and the potential affect on the closest proposed dwellinghouses.
- 83 The assessment was predominately for the nighttime period as this would be considered the more sensitive noise period and for first and ground floor levels of properties. For fixed plant noise the predicted noise at the closest proposed dwellinghouse beyond the 30 metre stand off zone from the acoustic barrier was assessed. The predicted level has been assessed and noise from fixed

plant would meet these standards within habitable rooms at ground and first floor levels of proposed properties. No further additional mitigation is required.

Delivery Vehicle Noise

- 84 Delivery activities for both existing commercial properties at D&D Dairies and Wiltshire Farm Foods are prior to 07:00 hours and these have been assessed for intermittent noise. The assessment indicated that operational noise from deliveries would have a low adverse impact on proposed dwellinghouses.
- 85 The NIA concluded that to ensure there will be no adverse noise impact, a 2.5 metre closed boarded fencing shall be erected along the rear boundary of the two commercial properties, and a 30 metre stand off zone will be in place, in which no housing development will be occupied until the two commercial operations have ceased and relocated. This has also been shown in the submitted Noise Mitigation Plan and Environmental Health agree this will be effective.

Construction Noise,Vibration and Dust

- 86 As required by the PPP, the applicant has submitted a Construction Environmental Management Plan (CEMP). The CEMP has sections for emissions to air, noise, vibration and dust and for each section identifies control measures to be implemented throughout the construction stage of the development.
- 87 Several measures to minimise noise and vibration have been included, however, it is very limited in scope and is not sufficiently detailed. No reference is made to use of vibration plate or piling equipment during the construction stage or generators. There is no reference with regards to any complaints, procedures for noise, vibration or dust. The CEMP should indicate a person responsible for dealing with day to day complaints on site, include complaints response times, any noise/vibration and /or dust monitoring that will be undertaken to verify the complaint, and record how complaints are resolved and any mitigation measures that are applied.
- 88 Based on the above, Environmental Health consider that the information provided for the control measures for each of the mentioned sections is not sufficient to be a robust CEMP. A more detailed and updated CEMP is required, and this can be controlled by way of a pre-commencement condition (Condition 11).
- 89 With the provision of an updated CEMP, the proposal complies with LDP2 Policy 56.

Sunlight/Overshadowing

- 90 An issue was identified during the application process regarding the potential impact of mature deciduous trees just beyond the south western boundary of the site in terms of overshadowing and blocking of sunlight to proposed 21 properties and their gardens in this area. The trees on the south-western edge

are a mix of Ash, Pedunculate Oak or Beech and vary in heights of 10m to 27m with an average height of 18m across the boundary. These trees are all deciduous and will all lose leaf throughout the winter months. The applicant has analysed the shadow cast by these trees the impact they will have on the rear gardens of the proposed properties along that boundary. The study has been examined in conjunction with a video demonstration which shows the shadows cast at various times during the day. The video analysis demonstrates the shadow cast by the trees on the SW boundary, the buildings themselves and boundary treatments at various times of the day including 08:00, 12:00 and 18:00 during summer. A demonstration during winter has not been produced as the trees are deciduous and will not be with leaf during the winter.

- 91 Informed by this assessment, many of the dwellings have been repositioned further away from the boundary, thus making more garden space away from the most shaded areas. At 08:00, when the sun is rising from the east, the trees cast no shadow into these gardens and the only shadow created is that of the buildings themselves. By 12:00 midday, the shadow in the gardens is almost zero. At 18:00 8 gardens just start to enter some shade.
- 92 When assessed against British Regulation (BR209 – Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice), because all the trees are all deciduous and not as dense as evergreen trees it has been demonstrated that in the summer these trees in full leaf will still allow sunlight to reach the garden ground even when the trees are beginning to cast a shadow after 18:00. The shade is therefore not a black out, and light can penetrate sufficiently.
- 93 It is considered that, as a result of the reconfiguring to the layout, the gardens to the properties on the SW boundary are very usable all year round and the trees will be an appreciated feature, not an inconvenience. Residential amenity will therefore not be compromised, and the proposal complies with LDP2 Policy 1.

Roads and Access

Internal Roads

- 94 The development proposes a main circular road with two points of entry/exit off/onto Broich Road. The 'Main Road' through the site will be a standard 5.5m wide carriageway with 2.0m footpaths and thereby road guiding the user through the main artery of the development. This will highlight to the user that this formal road is the main route in and out of the development
- 95 Off the main road, linking streets are proposed which are short links where the main carriageway is narrower than the Main Road. These are 4.8m wide, with over-run available over the 2.0m service strip pavements. This will provide a softer feel within the development that naturally slows traffic while allowing adequate manoeuvring for larger vehicles such as emergency and refuse. These street always links from start to finish to the Main Road providing a sense of location while traveling in the estate.

- 96 Transport Planning initially raised concern regarding some of the link roads and they will result in mini-rat runs through the site. Following the revised internal road layout, the concerns over potential rat-runs has been addressed. Two vehicular links to the east have been added connecting to some of the remaining MU7 site which is helpful for future connectivity and permeability and will prevent land-locking should the land owner wish to come forward with a proposal. However, a vehicular link to the remainder of the PPP site is still missing and is required to ensure Phase 5 and other later phases are connected to this site (Phases 1-4). A condition requiring this will therefore be required to ensure its implemented (Condition 4).

Swept Path Analysis

- 97 The original swept path analysis demonstrated that a 10.8m vehicle will be encroaching verge/footway/parking spaces. Perth & Kinross Council requires the site to be navigable by a 12m rigid lorry for refuse collections. Following the revised layout, a swept path analysis has undertaken for a 12m rigid lorry. Transport Planning consider the updated analysis and the roads provided to be acceptable.

Footpaths

- 98 Footpaths and connections with the wider area are proposed from the development, including connections with the existing footway on the south side of Broich Road. This addresses a site-specific requirement. A controlled crossing facility, in the form of a Toucan Crossing, must be provided to link into the shared use path on the northern side of Broich Road for onwards Active Travel to the Schools, retail and Crieff Town Centre. This can be delivered through a planning condition (Condition 4).
- 99 For residents who may wish to travel actively through the site, there is a direct route for pedestrians to take through the centre of the site. This will encourage residents to leave their cars at home, particularly given the proximity of the schools, retail and business so close to this development. The plan shows welcomed footpath connections to the south and west of the site which will help facilitate connection with a future core path route linking Crieff with Muthill.

Parking

- 100 The original submission generally designed parking to be located at the front of each dwelling. To positively improve the placemaking quality of the site, some parking provision has been relocated to the side of houses and thereby allowing the proposed dwellings to move closer to the road. This is further enhanced by border planting and fencing that will help screen cars as you travel through the site. This helps create a streetscape that is designed for people rather than cars. The number of visitor parking spaces is sufficient for the size of the development. Proposed electric vehicle charging points are also required within the site and for home owners as well (Condition 2 and 27).
- 101 Overall, proposal with LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot,

bicycle and public transport subject to planning conditions (Conditions 2, 4, 5, 6).

Drainage and Flooding

Flood Risk

- 102 The PPP required the submission of a detailed Flood Risk Assessment (FRA). This has been submitted and assessed by both SEPA and the Council's Structures and Flooding team and neither have raised any issue associated with flood risk. The proposed development lies outwith the SEPA Flood Maps. The proposal is compliant with LDP2 Policy 52 – New Development and Flooding as none of the proposed housing is at risk of flooding.

Surface Water Drainage

- 103 Following the submission of further drainage information in November 2019, SEPA have confirmed they have no objection to the proposal. The applicant has removed the 'low flow channel' from the SUDs basin drawing, and SEPA are now satisfied with surface water arrangements.

Foul Drainage

- 104 Scottish Water have confirmed that foul drainage from this development will need to connect to the public sewer and there are no capacity issues at present. The developer will still be required to undertake a separate consenting process with Scottish Water before development can commence on the site.
- 105 Overall, the proposal therefore raises no concerns in respect of LDP Policy 53 – Water Environment and Drainage.

Natural Heritage and Biodiversity

- 106 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. LDP2 Policies 38, 40 and 41 are also relevant considerations. While there is predominance of rough grassland, with some hedgerows and structural woodland on the edge and just beyond, the PPP requires an updated Ecological Survey including Protected Species Survey, all of which have been submitted.
- 107 These surveys and the detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. The details are generally considered acceptable in terms of landscape and biodiversity value. However, some more native species are required within the site to adequately provide for appropriate biodiversity provision and comply with LDP2 Policies 38, 40 and 41 (Condition 8).

Trees/Woodland

- 108 The Council supports proposals which protect existing woodland and trees, especially those with high natural, historic and cultural heritage value. There are

several mature trees along the site boundaries, in particular the south west. A Tree Survey and Arboricultural Constraints Report has been submitted in support of the proposal and have been examined by both Forestry Commission Scotland (FCS) and the Council's Biodiversity Officer. Just one tree is proposed for felling and that tree planting will take place on site well in excess of this loss and Forestry Commission Scotland (FCS) are supportive of this.

- 109 FCS do recommend that protection of the trees is secured, in line with the submitted Tree Protection Plan using a suitably worded condition (Condition 17).
- 110 FCS and the Council's Biodiversity Officer have raised concern for the large Oak trees on the south west boundary in the medium to long term as roots, leaves and shading will become an issue for residents. A revised layout has been submitted to deal with this issue, as discussed in the amenity section above.
- 111 In terms of proposed planting, the Council's Biodiversity Officer has examined the submitted landscape plans and whilst they will benefit biodiversity, it is recommended that there should be an increase in the quantity of native species. These recommendations will deliver multiple benefits to biodiversity and create a more interesting and diverse area for people. A revised updated planting schedule can be agreed as a pre-commencement condition (Condition 8).
- 112 Overall, the proposal will deliver multiple benefits to biodiversity and create a more interesting and diverse area for people to live and considered to meet the objectives of LDP2 Policy 40B - Forestry, Woodland and Trees: Trees, Woodland and Development.

Protected Species

- 113 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.
- 114 The impact of development on protected species must be understood before planning permission can be granted. The submitted Ecological Appraisal confirms that there will be no disturbance to bat or other species. There will therefore be no adverse effect on protected species as a result of this development. To ensure that this remains the case, it is proposed to seek verification, through updated assessments being undertaken immediately prior to the commencement of development (Condition 12).

Biodiversity Enhancement Measures

- 115 The Ecological Appraisal contains a list of potential measures and recommendations but does not confirm which biodiversity enhancing measures will be incorporated into this proposed development. All measures that will be incorporated into this development should be outlined in a Biodiversity

Management Plan and submitted to the Planning Authority. This can be controlled by way of a pre-commencement condition (Condition 13).

Cultural Heritage

- 116 As required by the PPP, the impact of the proposal on Scheduled Monument 9135 (Broich Curus) and archaeology in the area must be examined.
- 117 Phases 1-4 are 350 metres (at nearest point) west of the Broich Curus Scheduled Monument. Historic Environment Scotland (HES) have confirmed that these phases will not have a direct impact on the integrity of the Scheduled Monument. Greater consideration will be required for future phases as they are all closer to the Scheduled Monument. The proposal therefore complies with the requirement of LDP2 Policy 26A: Scheduled Monuments.
- 118 In terms of archaeology, the PPP required an archaeological investigation on site and results submitted to the Planning Authority to agree with PKHT. Following a number of revisions, PKHT are now supportive of the findings and mitigation proposed. However, because the proposed site is archaeologically sensitive as the immediate surrounding area includes extensive evidence of pre-historic occupation, further survey work will continue to be required (Condition 24).
- 119 Overall, the proposal is considered to comply with LDP2 Policy 26B: Scheduled Monuments and Archaeology: Archaeology.

Sustainability

- 120 Both the PPP and LDP2 Policy 34 requires an energy statement to investigate potential for a heat network to serve the development. The applicant's energy statement outlines that district heating is unfeasible for the proposed site as there is no heat source available at present. This issue can be revisited when approval of future residential phases and employment land are proposed. In the interim, a condition requiring that the site is futureproofed for district heating by leaving space within the service strip will be required (Condition 23). This satisfies the PPP requirements and that of LDP2 Policy 34.
- 121 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. A Sustainability Checklist has been submitted in support of this matter, it advises that the development will use passive design and energy efficiency as the primary means to reduce energy demand and lower carbon monoxide emissions and commits to this. The Checklist concludes that the buildings will achieve a much lower emission standard that required under Scottish Building Standards and that the installation and operation of zero and low-carbon generating technology, such as solar photo-voltaic panels or ground source heat pumps, will provide at least 10% of the carbon reduction emissions for the proposed development.

- 122 The proposal does not, however, demonstrate the precise technical details as to how this will be achieved, although it is recognised that this can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 7).

Contaminated Land

- 123 As required by the PPP, a contamination and geotechnical survey has been submitted in support of the proposal and has been examined by both SEPA and the Council's Land Quality Officer. Both are satisfied that there are no contamination issues and that no mitigation measures are required.
- 124 Review of the data in relation to the proposed development, the site has remained unaffected by any source of contamination which may pose a constraint to the proposed end use of the site. Risk assessments undertaken confirm that gas protection measures are not required.
- 125 There is no constraint to the proposed development from past historical use and thereby the proposal complies with LDP Policy 58A: Contaminated Land.

Waste Collection

- 126 The PPP requires a plan specifying the bin storage areas and kerbside collection points be submitted with each AMSC application. These details have been included in the submitted Site Layout plans.
- 127 The Council's Waste Services team confirm they are supportive of the layout and arrangements for waste storage and collection. A suitable location for the provision of a recycling centre is required, to complement the existing kerbside recycling services offered in the area. This can be addressed through a planning condition (Condition 19).

Developer Contributions

- 128 LDP2 Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 129 The Developer Contribution Officer advised that a Section 75 Legal Agreement is required to secure the necessary infrastructure and associated contribution payments, covering the following subject areas:
- Affordable Housing provision
 - Primary Education provision
 - Transport Infrastructure Contribution towards Broich Road improvements
 - Open Space provision and maintenance
 - Play area provision and maintenance

Affordable Housing

- 130 The S75 and LDP2 Policy 20 require an Affordable Housing contribution equivalent to 25% of the units being developed. It is confirmed that the full requirement (64 units) for this AMSC application will be delivered on-site. This provision will ensure the PPP and LDP2 requirements are met.

Primary Education

- 131 Primary Education contributions of £1,175,720 are required to ensure there will be capacity within the adjacent Crieff Primary School. The contribution will be phased to ensure the objectives of the PPP and LDP2 Policy 5 is met.

Transport Infrastructure Contribution

- 132 As per other recent approvals on Broich Road, a single payment of £64,819.96 must be made towards improvements at Broich Road which have recently been delivered by the Council. This contribution ensures the objectives of the PPP and LDP2 Policy 60 are met.

Health Provision

- 133 The site is allocated in LDP2 and National Health Service Tayside (NHST) were formally consulted during the plan-making process. However, neither NHST or the Perth & Kinross Healthcare and Social Partnership (HCSP) provided detailed feedback at the time of the site being allocated within LDP2 on whether there may be an impact will be on the local health infrastructure. As the proposed number of dwellings is below the maximum number allocated within LDP2 or approved in the PPP application, it is not necessary to consider this matter further at this stage.

Economic Impact

- 134 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

LEGAL AGREEMENTS

- 135 A Section 75 is required to deal with a financial contribution towards primary education, affordable housing, transport infrastructure improvements, open space and play area provision and maintenance. Consent shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

DIRECTION BY SCOTTISH MINISTERS

- 136 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

- 137 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.
- 138 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, in curtilage electric car charging, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

- 3 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;

- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

- 4 Prior to the commencement of development, schemes to provide:

- a) a signalised pedestrian crossing(s) on Broich Road and into the site; and
- b) a vehicular link along the eastern boundary connecting with the approved PPP site,

Shall be submitted to, and approved in writing by, the Council as Planning Authority. Each scheme shall confirm the location, specification, detailed design and delivery timescales of the pedestrian crossing(s) and vehicular linkage. The scheme for the approved crossing shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse. The scheme for the approved vehicular link shall be implemented prior to the occupation of the 200th dwellinghouse.

Reason: In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

- 5 No part of the development shall be occupied until an updated Travel Plan, aimed to encourage more sustainable means of travel, has been submitted to, and approved in writing by, the Council as Planning Authority. The Travel Plan will have regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of sustainable transport.

- 6 Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the

Council as Planning Authority for further written agreement. The scheme as subsequently agreed shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

- 7 Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

- 8 Prior to the commencement of development, and in conjunction with the other details of the approved landscaping scheme, an updated planting scheme with greater numbers of native species should be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved planting scheme shall be implemented in full as part of the approved landscaping scheme.

Reason: To ensure the satisfactory implementation of the proposed planting scheme.

- 9 The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of 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: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 10 The children's play area (plan reference 19/01165/74) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

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

- 11 Two months prior to commencement of development an updated Construction Environment Management Plan (CEMP) shall be submitted for the approval of the Planning Authority in consultation with Environmental Health. The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 12 Prior to the commencement of development an updated Ecological Assessment including Protected Species Assessment shall be submitted for the approval of the Council as Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed assessments.

Reason: To ensure an up-to-date record of biodiversity in the area; In the interest of protecting environmental quality and of bio-diversity.

- 13 Two months prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted for the approval of the Planning Authority in consultation with the Council's Biodiversity Officer. Thereafter the development shall be fully undertaken in accordance with the agreed BMP.

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

- 14 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 15 Prior to the commencement of development, details of the location and specification of the bat and swift brick(s) shall be submitted and approved in writing by the Council as Planning Authority. A minimum of 30% of all completed two storey houses shall incorporate one bat brick and one swift brick each and shall be incorporated at eaves height and positioned appropriately. The agreed detail shall be installed prior to the occupation of the relevant residential unit.

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

- 16 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1 March and 31 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.

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

- 17 All existing trees and hedgerows shown to be retained including those trees outwith the site with Root Protection Areas within the site shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

- 18 All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

- 19 Prior to the occupation of the first dwelling the developer will incorporate a suitable location agreed by the Planning Authority for the provision of a recycling facility to complement the existing kerbside recycling services offered in the area. The facilities/equipment shall thereafter be maintained.

Reason: In the interests of environmental quality.

- 20 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 approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

- 21 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 all to the satisfaction of the Council as Flood Authority.

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

- 22 Prior to the commencement of development, detailed Micro-Drainage results and mitigation shall be submitted to and approved by the Planning Authority in

consultation with the Council's Structures and Flooding Department. Thereafter the development shall be fully undertaken in accordance with the agreed details.

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

- 23 Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To allow district heating to be incorporated within the site at a future date.

- 24 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

- 25 Prior to the occupation of any residential properties, at the site adjacent to the existing commercial use a 2.5 metre acoustic fence and a 30 metre stand-off zone, in which no housing development will be occupied until these commercial properties cease operations, shall be installed in accordance with the recommendation of the submitted Noise Impact Assessment dated 11 July 2019 and the Noise Mitigation Plan (plan reference: 19/0165/31).

Reason: In the interests of residential amenity.

- 26 Prior to the commencement of development the developer shall submit a glazing specification for all windows to bedrooms, for the written approval of the Council as Planning Authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq, 16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the planning authority, prior to the occupation of the dwellings.

Reason: In the interests of residential amenity.

- 27 Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason: In the interests of sustainable transport.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement to secure the delivery of affordable housing, primary education contributions and transport infrastructure improvements on Broich Road. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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 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 is included for your guidance. According to 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.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
 - 6 The applicant should be 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 Environmental Protection Agency.
 - 7 The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
 - 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
 - 9 The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
 - 10 The applicant is advised that the granting of planning permission 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 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance
 - 13 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 permission for a development does not provide a defence against prosecution under this act.

- 14 The applicant is reminded of existing ongoing obligations pertaining to PPP 18/02213/IPM and the suspensive conditions as set out.
- 15 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.
- 16 There is a Section 75 legal obligation associated with this planning permission, which relates to financial contributions towards primary education, affordable housing, transport infrastructure improvements and the provision and maintenance of open space and play area. A copy is available to view on the Council's [Public Access portal](#).

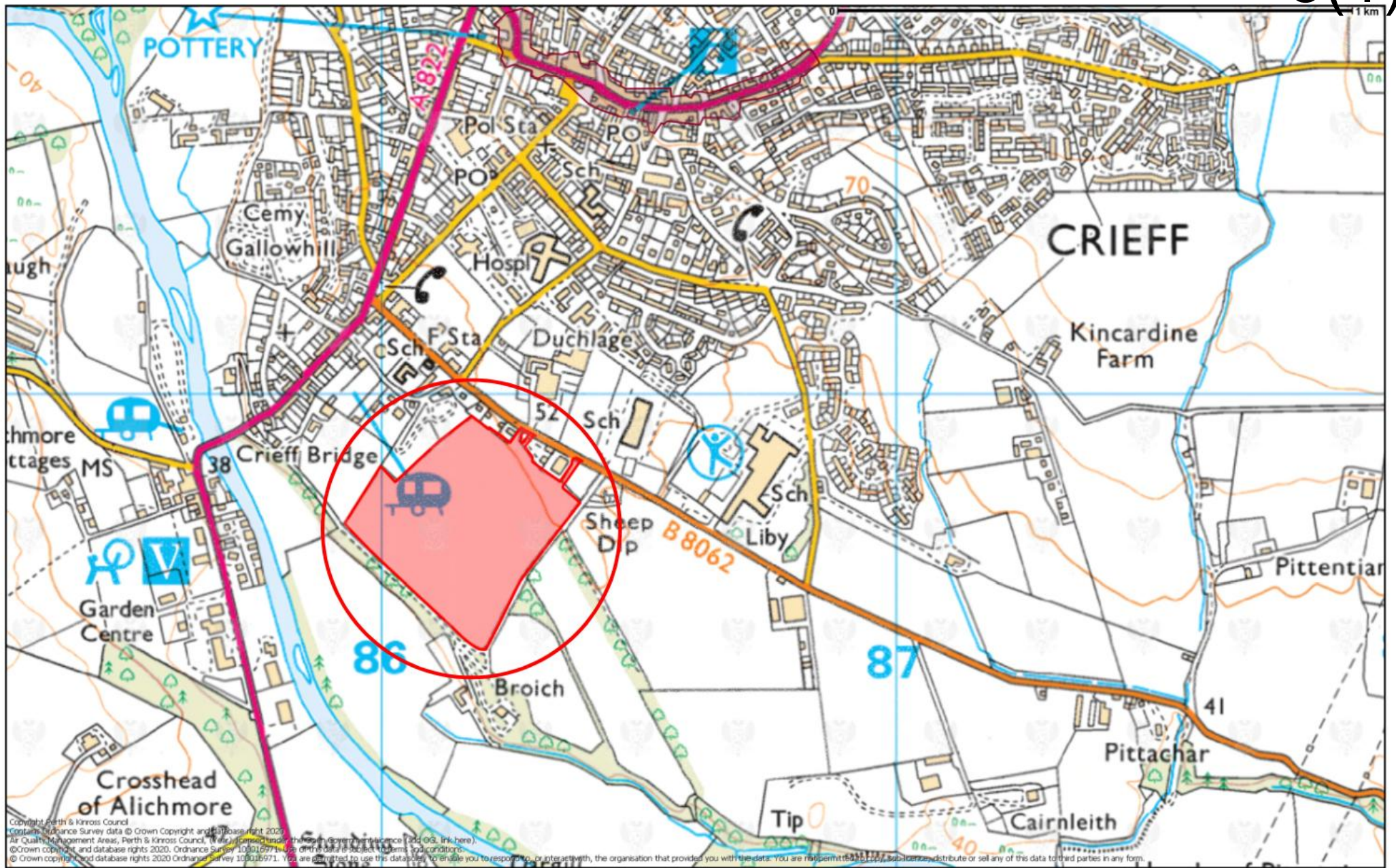
Background Papers: 1 letter of representation
Contact Officer: Steve Callan 01738 475337
Date: 31 March 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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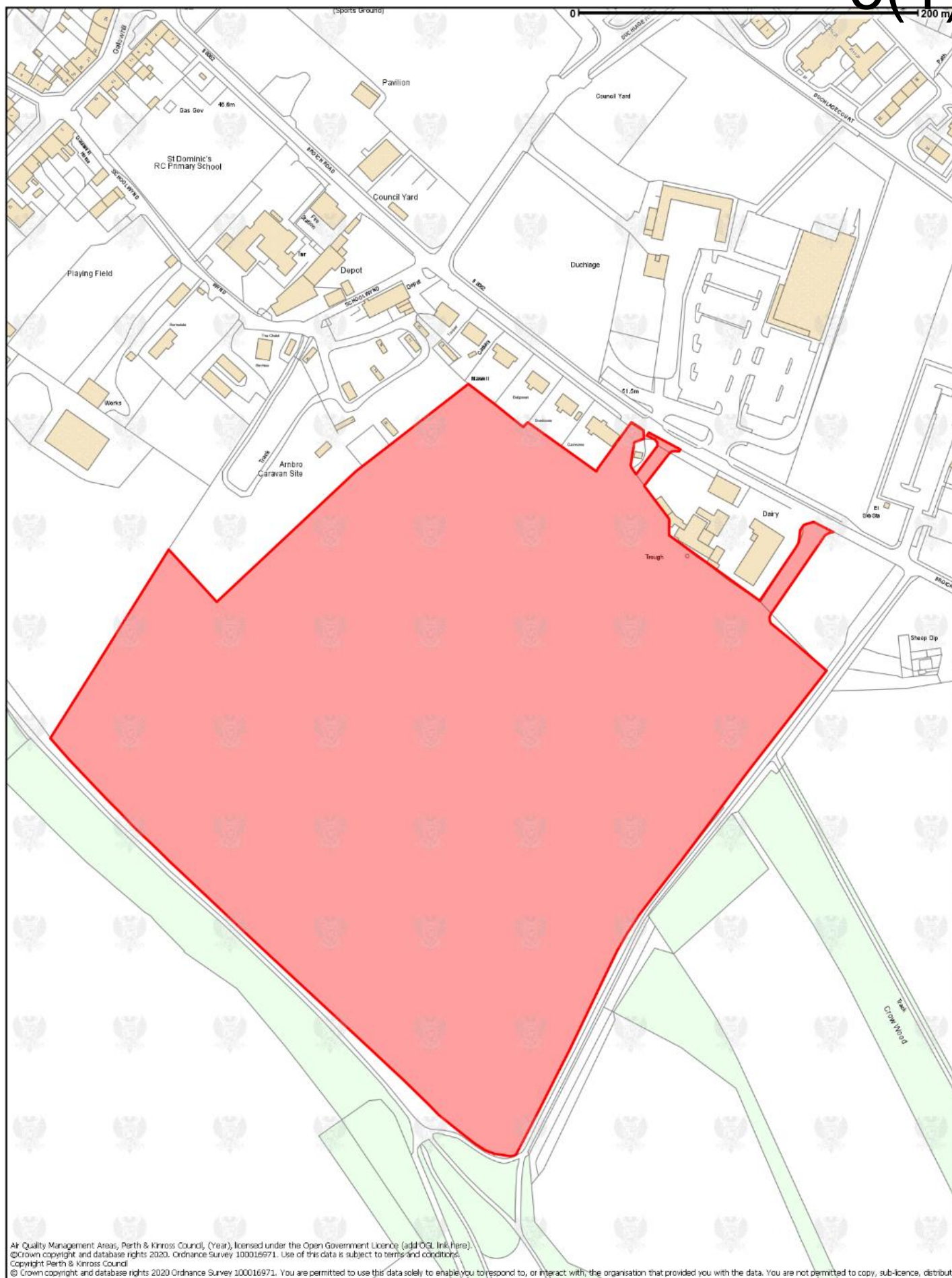
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19/01165/AMM

Erection of 246 dwellinghouses, formation of vehicular accesses, play park, SUDS pond, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM) (allocated site MU7) land SW of Wiltshire Foods, Broich Road, Crieff





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Perth and Kinross Council
Planning & Development Management Committee – 8 April 2020
Report of Handling by Head of Planning & Development (Report No. 20/88)

PROPOSAL: Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect)

LOCATION: Land SW of Arns Farm, Auchterarder

Ref. No: [19/01927/MWM](#)
 Ward No: P7 - Strathallan

Summary

This report recommends **approval** of an application for mineral extraction and processing, including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works providing it follows the recommendations of the submitted documentation and supporting information and is subject to appropriate planning conditions. The proposal is considered to comply with the Development Plan and National Planning Policy and there are no material considerations which are considered to outweigh the Development Plan. The proposals are recommended for approval, subject to conditions, including associated conclusion of a financial bond to ensure satisfactory restoration measures are secured.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3)(in part retrospect) at Craigrossie Quarry, land SW of Arns Farm, Auchterarder. The application site extends to 21.77 hectares and is located between Aberuthven and Auchterarder, being situated 670m south of Aberuthven and 2 miles north east of Auchterarder.

Site Description

- 2 The site is currently occupied by a small-scale sand and gravel quarry operated by the applicant. Consent was granted on the 10th of July 2002 for 5 years for sand and gravel extraction as part of a farm diversification project including forestry, conservation and public access (01/01096/MW). An extension of the original 5 year consent was granted in November 2008 for a further 3 years and therefore Phase 1 was required to be completed by November 2010. A further permission was then granted later in 2008 for Phase 2 of the works covering an area of approximately 0.1 hectares which included the realignment of a farm access road. This permission was granted for a period of 5 years. Therefore, the most recent permission expired in July 2014 and works have continued

since then. As such this current application seeks to regularise the situation on the site and is therefore retrospective.

- 3 The existing quarry contains a site compound with cabins, storage containers, weigh-bridge and associated car parking, together with areas of sand and gravel extraction, processing and associated silt holding areas. The wider site includes a farm access road, established woodland, ponds, access tracks and internal access tracks and areas of former agricultural land. Access to the site is from the B8062 to the west of the site.
- 4 The site is bound to the north by an area of woodland which provides screening of the site from the A9 Trunk road. To the south is the Stirling to Perth railway line with further agricultural land beyond. The land to the south east forms part of the Ochil Hill Special Landscape Area. The site is bound to the west by the B8062, with further agricultural land beyond. There is also a commercial building and associated hardstanding located off the B8062 adjacent to the railway. To the east of the site is further agricultural land, some of which is within the ownership of the applicant.
- 5 The wider context of the site is mainly open countryside with a combination of tourism uses.

Proposal

- 6 The application seeks permission for ongoing and future mineral workings and associated ancillary development which comprises the phases below:
 - Recent and future sand and gravel works, including a 5-year phased completion and restoration of existing sand and gravel extraction;
 - Reinstatement landscape works in areas previously worked;
 - New area of quarry, immediately to the south of existing worked areas for extraction of sandstone;
 - Phased restoration and landscaping of new quarry area;
 - Ancillary stone processing and preparation building and associated compound;
 - New/improved internal access tracks;
 - Improvements to existing road access junction on B8062; and
 - Final reinstatement and access plan.
- 7 A detailed phasing plan for the above works which includes a series of sub phases has been submitted with the application. This includes detailed site plans for each phase of the proposed works. Some of the phases will run concurrently. The proposals also seek to regularise the minerals extraction and processing activities which have been carried out on the site beyond the historic permissions and allow for restoration as part of a comprehensive masterplan for all land within the application boundary.
- 8 The proposed phases of development are outlined below and should be read in conjunction with drawings 19/01927/13-17:

- 9 Phase 1 (2020) - This will involve a new road access upgrade at the B8062 junction and new alignment, slightly to the north west of the access track past the quarry. This phase will rely on fill material already in place along the track alignment and some topsoil and spoil taken from the area designated as the three new sandstone working areas. This phase will also restore the north west meadow area to landscape and grass across a slight gradient.
- 10 Phase 2 will be concurrent with the above, a 2019/20 phase to augment clay and fill bunding to the north west and north east of the planned sandstone extraction pits and to plant trees along the new bund. A new internal access track from the entrance into the quarry in a southerly direction is also proposed to the new working compound. The compound will also be laid out for vehicle access and parking and a new stone cutting shed erected (37.5m x 21.5m). A small shelter for an eco hut and environmental interpretation for invited visitors is also proposed. This phase will also include the conclusion of the current working area for sands and gravels. These extraction activities will cease in this period and the area will be restored with fill from the Phase 3 area and topsoil by the end of 2021.
- 11 Phase 3A and 3B will run partly concurrently with the above, with 3A from mid-2020 to the end of 2022 and 3B between 2023 and 2027, an area to the south east of the site close to the railway of former silts and fill material will be regraded and material exported to reinstate other phases including Phase 2.
- 12 Phases 4A and 4B are scheduled for mid-2021 to the end of 2024. These areas of fill heaps and standing water will be regraded and landscaped and subject to a water management plan, which will specify the extent of retained ponds and water courses. The agent has expressed that the water and landscape specification would be brought forward by condition.
- 13 Phase 5 - Sequential stages are then proposed here. The three new sandstone extraction pits; A, B and C will be sequentially worked from 2020 to 2029, each in a 4-year process, the fourth year being overlapped with the first year of a two-year reinstatement. The reinstatement will involve fill material (from either on site burden or inert external fill).
- 14 Phase 6 - this applies to pits A, B and C being reinstated, each in their 2-year stages of 2023/4, 2026/7, 2029/30.
- 15 Phase 7 - 2030 to 2033 signifies the final retreat and closure of all quarrying and reinstatement of all the sandstone areas to landscape and the whole site subject to footpath, parking and public access plan. The applicant seeks for this to be agreed by planning condition. In this phase, the compound and shed will also be dismantled and the haul track graded and planted with grass. The final drawing shows the site reinstated from 2030 onwards, with a small parking area to lead to a planned footpath loop around the site perimeter with ponds in place, nesting habitats provided and safe views of the ponds provided. There will also be provision for the re-use of the existing woodland track to access the eco hut in the south corner of the site.

- 16 An Operational Environmental Management Plan (OEMP) has been submitted with the application which includes the above phasing schedule which acknowledges that the above phasing may require review and updated.

PRE-APPLICATION CONSULTATION

- 17 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre application consultation with the local community. The content of the Proposal of Application Notice (PoAN) (18/00009/PAN) was approved in August 2018 and a public consultation was held at Aberuthven Village Hall on Tuesday 21 August 2018.
- 18 Public comment during the PAC process, as outlined in the PAC Report, related to:
- Use of heavy traffic between the A824 and the B8062 and potential requirement for road improvements.
- 19 The PoAN was reported to the Planning and Development Management Committee for comment on 26 September 2018 (Report: 18/299). Members noted the report and made no further comments.

Environmental Impact Assessment (EIA)

- 20 A screening exercise was undertaken by the Planning Authority in September 2018 in accordance with the EIA (Scotland) Regulations 2017 which concluded that this development, whilst falling under Schedule 2 (3) of the above regulations relating to extractive industry, the development was unlikely to result in significant environmental effects. It was therefore concluded that the proposal was not EIA development.

WASTE MANAGEMENT REGULATIONS 2010

- 21 The Management of Extractive Waste (Scotland) Regulations 2010 came into effect on 1st April 2010. The Regulations transpose the EC Mining Waste Directive, which was in response to serious accidents at mine tailings ponds, causing considerable environmental damage. The regulations make Planning Authorities determining mineral planning applications, the Competent Authority for issuing associated permits as envisaged in the Mining Waste Directive. Mineral planning permissions therefore serve as a permit under the Mining Waste Directive.
- 22 A plan concerning extractive waste management has been submitted in respect of the above hard rock quarry as required by the Management of Extractive Waste (Scotland) Regulations 2010.
- 23 The tests in the Scottish Government Guidance Note on The Management of Extractive Waste (Scotland) Regulations 2010 are considered to be met,

consistent with established best practice. There are therefore no further requirements under these Regulations. Conditions regarding the stability and prevention of pollution must however continue to be met during the storage, use and aftercare of any material.

- 24 There are no other inert or non-inert waste facilities at the site, which will not be utilised for approved restoration operations. The applicant has recognised and followed the Scottish Government Guidance in relation to the above Regulations and as such I am satisfied with the submission. No formal waste management plan is therefore required in respect of this site.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 3

- 26 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

- 27 The 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.

- 28 Of relevance to this application are;

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

- 29 A Successful, Sustainable Place:

- Paragraphs 92- 108 Supporting Business and Employment

- 30 A Natural, Resilient Place:
- Paragraphs 193 - 218 The Natural Environment
 - Paragraphs 219 - 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 - 268 Managing Flood Risk & Drainage
- 31 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- Air Quality and Land Use Planning (2004)
 - PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 1/2013 Environmental Impact Assessment
 - PAN 40 Development Management
 - PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 64 Reclamation of Surface Mineral Workings
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 81 Community Engagement: Planning with People

OTHER POLICIES

- 32 The following supplementary guidance/policies and documents are of particular importance in the assessment of this application:
- Tayside Landscape Character Assessment (TLCA)
 - Perth and Kinross Landscape Supplementary Guidance (June 2015)
 - Flood Risk and Flood Risk Assessments - Developer Guidance (June 2014)
 - Green Infrastructure Supplementary Guidance (November 2014)
 - BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

National Roads Development Guide 2014

- 33 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.

DEVELOPMENT PLAN

- 34 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

- 35 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.”

- 36 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2019

- 37 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.

- 38 The principal relevant policies are, in summary;

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 8: Rural Business and Diversification

Policy 15: Public Access

Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 36A: Waste Management Infrastructure: Existing Waste Management Infrastructure

Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure

Policy 38A: Environment and Conservation: International Nature Conservation Sites

Policy 38B: Environment and Conservation: National Designations

Policy 38C: Environment and Conservation: Local Designations

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 49A: Minerals and Other Activities - Supply: Extraction

Policy 49B: Minerals and Other Activities - Supply: Restoration

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

Policy 57: Air Quality
Policy 60B: Transport Standards and Accessibility Requirements: New
Development Proposals

SITE HISTORY

- 39 [08/00423/FUL](#) Re-alignment of farm access road and second phase of sand and gravel extraction. Decision Issued 21 July 2009. Application Approved.
- 40 [08/00428/MW](#) Re-alignment of farm access road and second phase of small scale sand and gravel extraction Decision Issued 21 July 2009 Application Approved
- 41 [18/00009/PAN](#) Phase 3 small scale minerals extraction and processing activities (in part retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works Decision Issued 14 August 2018
- 42 [18/01423/SCRN](#) Phase 3 minerals extraction and processing activities Decision Issued 5 September 2018 – No EIA Required

CONSULTATIONS

- 43 As part of the planning application process the following bodies were consulted:

External

Scottish Natural Heritage

- 44 No comments and advised of standing advice on species, advised to consider need for species licenses.

Auchterarder and District Community Council

- 45 No objection

Transport Scotland

- 46 Does not advise against development

Historic Environment Scotland

- 47 No comments but advised on proximity to three Scheduled Monuments

Network Rail

- 48 No objections in principle, advisory notes recommended relating to safety of railway

Scottish Water

- 49 Advice has been provided on drinking water protected areas (DWPA) but advise that development is a sufficient distance from the intake and is therefore considered to be low risk. They have also advised that they will not accept surface water connections into their combined sewers.

SEPA

- 50 No objection subject to submission of Water Management Plan. Reference also made to SEPA's regulatory requirements.

Internal

Commercial Waste

- 51 No comments

Environmental Health

- 52 No objections to the submission have been raised and it is noted that the same working hours are proposed as currently used on site (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 Saturdays. No workings permitted on Sundays) which is considered to be acceptable. Furthermore the Noise Assessment which has been undertaken is considered to be acceptable and the Vibration Report concludes that vibration from plant operations would not be perceptible to nearby receptors during any phases. The Operational Management Plan sets out best practise to be implemented which is considered to be acceptable. It also recommended mitigation measures relating to dust and lighting which are considered to be acceptable. Conditions are recommended to ensure appropriate controls and mitigation are in place.

Perth and Kinross Hertiage Trust

- 53 No objection.

Developer Contributions

- 54 No contribution required.

Transport Planning

- 55 Site access junction and creation of run off areas are required which should be secured by conditions. Conditions recommended regarding control of traffic through site and traffic management.

Community Greenspace

- 56 No objection.

Bio Diversity Officer

- 57 The submitted Ecological Appraisal concludes that there is no evidence of badger, bats, otter or red squirrel on the site. It is imperative that sand martin nesting birds are protected and maintained on the site. A Non Native Species Control Plan should be submitted. The mitigation measures listed in the OEMP should be adhered to in full with particular regard to protecting sand martin and limiting light spill into woodland areas. Conditions are recommended to ensure this.

REPRESENTATIONS

- 58 No letters of representation have been received.

ADDITIONAL STATEMENTS

59	Screening Opinion	Undertaken and no EIA required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Environmental Appraisal Submitted which includes – Phasing Programme <ul style="list-style-type: none">• Landscape and Visual Assessment• Ecological Appraisal• Noise Impact Assessment• Geo – Environmental Assessment• Draft Operational Environmental Management Plan• Flood Risk Assessment• Transport Statement

APPRAISAL

- 60 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.
- 61 The most relevant policies of the Development Plan, the TAYplan Strategic Development Plan 2016-2036 and LDP2 including Supplementary Guidance are outlined in detail above.
- 62 In terms of assessing the principle of a development of this nature at this location, specific mineral resource policies and land designation policies must be reviewed and considered first of all. It should be noted, however, that the principle of

mineral extraction on this site has been established through the extant permissions on the site for sand and gravel extraction.

- 63 TAYplan recognises the importance of resources and assets with potential to support economic growth. The Plan highlights that development and growth in the economy should occur in a way that does not place unacceptable burdens on environmental capacity and should not increase the exposure of users or inhabitants to risks.
- 64 Policy 7 on Energy, Waste and Resources allows Local Development Plans to meet Scottish Government energy and waste targets and seeks to ensure appropriate safety regimes and post-operational restoration of land, particularly for extraction of minerals.
- 65 The recently adopted LDP2 Policies 49A and B apply to proposals for the extraction of minerals. It gives support for the proposed development, provided the proposal complies with the criteria within the policy, and with other national, strategic and local planning policy. The other main relevant policy is Policy 8, which supports rural business subject to safeguards including specific locational need or site-specific resource. The proposal, given the presence of the existing mineral extraction and presence of sandstone for extraction, is considered to comply with the criteria outlined in Policy 8. A detailed assessment of the relevant criteria within Policies 49A and B and consideration under other relevant policies is outlined below.

Design and Layout

- 66 Relevant LDP2 Policies include 1A and B, which set out a range of policy criteria. The scale, form and situation of the proposed structural elements are considered to be acceptable in terms of their operational requirements, versus the impact and contribution to the surrounding natural environment and aim of respecting important views and the landscape character of the area. The structures and buildings associated with the development are considered to be of an appropriate scale in the context of the wider nature and character of the site. The proposal is therefore considered to comply with the criteria contained within Policies 1A and B of the LDP.

Landscape and Visual Impact

- 67 Generally, the associated landscape policies within the SPP, TAYplan and the LDP2 seek to protect areas of landscape value and only support development where it can be accommodated without adversely affecting the quality of the landscape. Policies 1A and B are relevant in considering the proposal's relationship to the surrounding built and natural environment and assessing whether it respects important views and the landscape character of the area.
- 68 The overall assessment in respect of landscape and visual impact has to be considered in three distinct development phases of construction, operation and restoration.

- 69 The landscape and visual impact assessment (LVIA) was prepared as part of the submission (appendix C of the Environmental Appraisal) seeking to address the landscape and visual impact of the site and all associated construction works as well as the ongoing operational phases of the scheme. Given the nature of the mineral extraction proposal, an assessment of the impacts of these elements and the associated mitigation concerning these elements is crucial in assessing the overall acceptability and in relation to policy criteria.
- 70 As outlined above, the existing quarry is located within a rural agricultural landscape between Auchterarder and Aberuthven. The site falls within the Broad Valley Lowlands landscape character area as defined in the Tayside Landscape Character Assessment (TLCA) (SNH 1999).
- 71 The TLCA identifies that the area the lowland straths include substantial deposits of fluvio-glacial material, some of which has been exploited to provide aggregates and materials for the construction industry as is the case with Craigrossie.
- 72 The TLCA provides a series of strategies for the management of the landscape. The overall aim is to restore the characteristics of the landscape of hedged fields, hedgerow trees, avenues and policy woodlands which helps to maintain the contrast between lowland landscape and adjacent extensive upland.
- 73 A series of visualisations accompany the LVIA which help to demonstrate the extent of landscape and visual impact of the site from key receptors. The application site is well enclosed, particularly on the west and north sides by recently planted small woodlands which were planted as part of a farm diversification scheme associated with the commencement of the sand and gravel extraction. A mature tree belt associated with the Pairney Burn on the west sides also provides screening from the B8062.
- 74 The site is more visible from the south from the Perth to Stirling railway, which forms the southern boundary and sits at a higher level, and also from the north slopes and summit of Craig Rossie (410m) two kilometres to the south. There are no views of the site from the A9.
- 75 The nearest settlements to the site are Auchterarder and Aberuthven. There are also a series of individual houses and farms within a 2km radius. There are no views into the site from any of the properties to the north and west due to intervening topography and existing woodland. Similarly, views from Easter Coul and Pairney to the south are also screened by the topography and tree cover. Views from Arns to the north east and properties to the east of Arns are also closed by local topography and woodland. The site is therefore not considered to have a detrimental impact on nearby residential receptors.
- 76 It is considered that, given the location of the site and the existing screening afforded to it, the site has little impact on the existing landscape with the main inward view being from the railway. There are proposed to be limited changes to the drainage arrangements on the site but this will continue to be managed through the use of the existing settling ponds before entering the local farm drainage network of ditches. The ponds are proposed to be retained and reshaped as part of the final restoration as permanent features in the landscape.

- 77 Overburden area will be contained within the site boundary and will be used to infill worked sand and gravel areas as they progress. These are not considered to alter the viewpoints in the local area. A low bund of boulder clay between the sand and gravel extraction and sandstone quarry is proposed to be contoured and planted before the sandstone operation commences.
- 78 The site support area will result in a change to the woodland and grassland nature of this part of the site for the duration of the works. This area is already occupied by a series of small-scale buildings and is well screened from the public domain.
- 79 Overall it is concluded that the proposal will have a limited effect on the landscape character of the area due to the relatively short working life and the size and scale of the proposal and its position within the landscape. The reinstatement to grass meadow and woodland (which is referred to in more detail below) is also considered to be appropriate in terms of the long-term restoration for the site.
- 80 The restoration will generally return the landscape in this area to its form and make up prior to the commencement of the sand and gravel operation.
- 81 Overall the selected viewpoints indicate that the site is well screened and contained by existing woodland and topography and has a limited impact on the landscape character of the area given its position. The proposal is therefore considered to meet the aims of the TLCA and the criteria contained within Policies 1A and B of LDP2.

Restoration and Aftercare

- 82 A phased landscape restoration plan for the site has been submitted with the application which includes a series of site plans which demonstrate progress with the restoration and can be read in conjunction with the associated phasing plan. The proposal is to progressively restore the quarry to a mixed landscape of native mixed woodland, meadow grassland and water features including ponds linking to watercourses. The restoration is proposed to commence in 2020 with restoration across the sand and gravel quarry to be completed and fully restored by 2024 and the sandstone and support centre by 2030.
- 83 Site overburden materials are proposed to be used in the reinstatement to create a new contoured landscape which will broadly reflect the landscape character of the area. The existing ponds are proposed to be re-shaped to more natural profiles to provide opportunities for bio diversity. The restored quarry will sit within a framework of woodland, as detailed above and also be augmented with additional tree planting.
- 84 A condition is recommended to ensure the restoration and aftercare is progressed in accordance with the submitted phasing document and plans which will ensure that there is no adverse impact on the landscape character and visual amenity of the area over the longer term (Condition 18).

Financial Guarantees and Bond

- 85 A bond will be required to give financial security throughout the 13 year life of the development, ensuring decommissioning is undertaken and more importantly, the agreed appropriate restoration measures and associated monitoring and management of that restoration can always be fully resourced. A draft bond is currently being worked up by the applicant for consideration by the Council as Planning Authority which can be secured through an appropriate Section 75 Agreement. The Section 75 will also ensure the bond is updated at regular intervals.

Ecology and Bio Diversity

- 86 Policy 41 of LDP2 requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 87 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 the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts.
- 88 An ecology survey accompanies the application which indicates that there is no evidence of badger, bats, otter or red squirrels on the site. The Bio Diversity Officer indicates that the site does have potential to be used for badgers, otters and bats for foraging and shelter. The ponds within the site are considered to have a poor to average suitability to support great crested newt based on the Habitat Suitability Index Assessment.

Breeding Birds

- 89 A sand martin colony was identified on the steep banks by the large settling lagoon. It is proposed that the large pond to the northeast of the site will be developed to protect and enhance sand martin nesting sites. It is imperative the sand martin nesting sites are protected and maintained. A condition will ensure the conclusions and recommendations of the submitted survey are fully adhered to (Condition 9).

Invasive Non-Native Species

- 90 The submitted survey indicates the presence of two small areas of giant hogweed and recommends these be treated. For any materials that are to be taken off site, consideration should be given to separating any soils that may potentially contain non-native species in line with the Non-Native Species Code of Practice to limit the potential species of invasive species. Details of this treatment should be included in an Invasive Non-Native Species Control Plan and submitted to the Planning Authority. This can be secured by condition (Condition 3).

Wider Biodiversity

- 91 This proposal includes reinstatement, restoration and landscaping and it is proposed that the site will be restored to mixture of woodland, grassland meadows and ponds for the benefit of wildlife. Many measures are welcomed including the reprofiling of ponds for maximum wildlife benefit, areas of open ground left with bare soil, and planting tree species that are native to Scotland that will maximise the biodiversity value of the site.

Ground Water Dependent Terrestrial Eco Systems (GWDTEs)

- 92 Due to the previously farmed and disturbed nature of the site, it is not believed that any groundwater-dependent terrestrial ecosystems (GWDTEs) are present on site. The Phase 1 habitat survey identifies a range of habitats in the survey area including broadleaved plantation woodland, semi-improved neutral grassland, scrub, ephemeral / short perennial and bare ground areas, but concludes that these habitats are of low ecological value. No habitats which appeared to be potential GWDTEs were identified during the ecological surveys.
- 93 The mitigation measures listed in section 4.3 of the submitted Draft Operations Environment Management Plan (Appendix 6) should be adhered to in full, with attention drawn to protecting the sand martin nesting areas and limiting artificial light spill onto existing woodland areas. This can be secured by condition (Condition 1).

Impact on Trees/Forestry

- 94 Policies 40A and 40B relate to consideration on the impact to trees, and Policy 40A supports proposals where forests, woodland and trees are protected or where existing woodland is expanded or new areas delivered. Policy 40B sets out that where there are existing trees on a development site, the application should be accompanied by a tree survey. As outlined above the site is well screened by existing woodland and tree belts, all of which are proposed to remain. There is no tree felling proposed as part of the proposal and the wider restoration and aftercare includes additional native tree planting. The proposal is therefore considered to comply with Policies 40A and B of LDP2.

Traffic and Transport

- 95 Paragraph 271 of SPP 2014 requires development plans and development management decisions to take account of the implications of development proposals on traffic, patterns of travel and on road safety.
- 96 PAN 50 Controlling the Environmental Effects of Surface Mineral Workings is also relevant, providing good practice advice, including the assessment of traffic at mineral working sites, which has been reflected in the ES.
- 97 Policy T60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission included a Transport Statement (TS) which outlines the implications on the road network of the proposed development.

- 98 The TS states that the current quarry operation employs 4 people and exported materials include ballast, washed gravel, building sand and screened soil. The site is accessed from the B8062 off the A824 to the north. The majority of quarry traffic travels to the north from the site.
- 99 The existing quarry employs 4 staff which mainly travel by car resulting in 6 car movements per day. The quarry exported 39,470 tonnes over a 12-month period between April 2017 and March 2018. Based on a 50-week business year and 5 working days per week this equates to 160 tonnes per day i.e eight 20 tonne lorry loads (16 HGV movements). These sand and gravel movements will eventually cease given the move to sandstone extraction and the restoration of the sand and gravel areas.
- 100 The sandstone is proposed to be quarried and loaded onto HGVs for processing by customers elsewhere. There will be a transition period from the existing sand and gravel operation and the phasing plan indicates that this will cease in the short term and over the next 1-2 years.
- 101 The sandstone extracts are based upon a business model of 5000 tonnes per year. Based on a 50-week year this equates to 100 tonnes per week or one 20 tonne HGV per day (2 movements). As such the HGV movement associated with the operation will initially increase with the overlap between sand and gravel extraction and sandstone extraction to 18 HGV movements on average per day but this will be for a limited period of up to 2 years. The movements will then decrease from 18 to 2 HGV movements per day which is considered to be acceptable.
- 102 It should be noted that there is also a haulage business located at Islabank to the south of the B8062 which also makes use of the road. The haulage business operates 10 HGVs which according to the TS are “out on the road” for the most part and do not routinely return to the depot.
- 103 There is potential for there to be additional HGV traffic associated with the restoration phases should there not be sufficient overburden on site to carry out the restoration works. This therefore may require additional HGV movements to bring additional materials onto the site. On that basis a condition is recommended to ensure a further Traffic Management Plan is submitted prior to the restoration of this phase proceeding to ensure the Council retains some control over these restoration measures should they require off site materials (Condition 21).
- 104 During a meeting on site in September 2018 there was discussion relating to the condition of the existing access into the site and the condition of the B8062 between the site and the junction within the A824 to the north. Particular concern was raised relating to the bend on the road and the damage which had been caused to road verges. It has been recommended that over run areas are constructed on the public road, together with bringing the bellmouth access up to current Council standards. Signage on the bridge over the Ruthven Water to indicate its width was also requested. It was requested during the meeting in September 2018 that these works required to be undertaken asap. On that basis a series of conditions are recommended to ensure these works are undertaken

within 6 months of the date of this decision to ensure the required road improvements are undertaken (Conditions 5, 6, 7 and 8).

- 105 The proposal, subject to the above conditions, is considered to comply with Policy 60B of LDP2.

Impact on Water Environment

- 106 Policies 53B and C requires development to have appropriate foul water and surface water drainage.

Surface Water

- 107 The main surface water features associated with the site are the Ruthven Water and the Pairney Burn.
- 108 The Pairney Burn rises in the Ochil Hills and flows from the hills and close to the western boundary of the site adjacent to the B8062, passing beneath the A9 in a culvert and flows into the Ruthven Water close to Shinafoot. The Pairney Burn has a “High” overall Water Framework Directive (WFD) status.
- 109 The Ruthven Water rises in the Ochil Hills in Glen Eagles to the south of Auchterarder and flows north east before joining the River Earn 2km north of Aberuthven. It also has a High overall WFD status.
- 110 The WFD objectives are that the High status is maintained.
- 111 There are also a number of ponds within the quarry and a small number of unnamed watercourses which drain into these ponds into the Ruthven Water.
- 112 The hydrology report states that there is no direct link between the Pairney Burn and the quarry. There is, however, a link between the large natural pond and settling ponds in the quarry and Ruthven Water via a small un-named watercourse. SEPA indicate that there is a potential risk of pollution (including silt and contaminants) entering into the Ruthven Water via the ponds and the un-named watercourse. SEPA have indicated that to avoid contamination of aquatic habitat it is imperative that pollutants are not allowed to enter the water courses. SEPA’s pollution prevention guidelines should be followed.
- 113 SEPA have also indicated that water pumped from a natural pond discharges off site via settlement ponds to tributary of the Ruthven Water. These activities will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). An informative is recommended to advise the applicant of this requirement (Informative 8)
- 114 A detailed assessment of the hydrological and hydrogeological regimes on the site, including the drainage arrangements have been submitted as part of Appendix H of the Environmental Appraisal. Furthermore, the Draft Operation Environmental Management Plan (OEMP) also addresses the mitigation relating to surface water. SEPA have considered this and do not consider it to adequately address the management of surface water drying earthworks or

stockpiling of soils. Also matters such as cut off drains, proposed abstractions, welfare drainage also require to be addressed. A condition is therefore recommended to ensure that a Water Management Plan which addresses the above is submitted for approval in consultation with SEPA (Condition 2).

Groundwater

- 115 The submission indicates that the site lies over two groundwater bodies, Crieff (Water Framework Directive (WFD) ID 150668) and Path of Condie (WFD ID 150586). The Ruthven Water and Pairney Burn flow over both of these.
- 116 The Crieff groundwater waterbody covers an area of 397sqm. Almost the full extent of the quarry, Ruthven Water and Pairney Burn wall within the boundary of the waterbody.
- 117 The Path of Condie groundwater waterbody covers an area of 109sqm but only a small part of the quarry, the head waters of the Ruthven Water and most of the Pairney Burn fall within the boundary of the waterbody.
- 118 The WFD objectives are that the overall “High” status of these waterbodies are maintained. The submission includes an assessment of groundwater impact.
- 119 SEPA have been consulted on the application and indicate that there is a historic borehole on the site which is 8.5m deep and approximately 200m from the proposed sandstone extraction. SEPA state that the surface water bodies on site could be groundwater fed due to the levels.
- 120 As such SEPA consider that during the sandstone extraction groundwater could be encountered. SEPA therefore state that if dewatering is necessary, then details should be included within the Water Management Plan referred to above which can be secured by condition (Condition 2).

Drinking Water Supplies

- 121 Scottish Water have been consulted and state that the site falls within a drinking water catchment where a Scottish Water abstraction is located. These areas are protected under the WFD. Scottish Water have concluded that the catchment is relatively large and the site is a sufficient distance from the intake that it is likely to be low risk. Scottish Water have provided advice within their consultation response to the applicant which will be reference in an informative on any permission granted (Informative 9).
- 122 Given the above, it is considered the proposed development of this site and the associated elements fully accord with policy 53B and C of LDP2 and the wider national policy position of the SPP.

Flooding

- 123 Policy 52 relates to flooding and states that 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 possibility of flooding from any source.

- 124 The SEPA flood maps identify an area of surface water flooding to the south of the railway line but outwith the red line boundary of the application site. There are also two areas of surface water flood risk within the site on the settling ponds and flooded workings which drain onto an unnamed watercourse. A Flood Risk Assessment accompanies the application which concludes that the proposals on site do not present a change to flood risk at the site.
- 125 SEPA and the Council's Structures and Flooding Team have been consulted and both have raised no objection in relation to the drainage and flooding issues associated with the site. The proposal is therefore considered to comply with Policy 52 of LDP2.

Developer Contributions

- 126 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance, which relates directly to Policy 5, 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.
- 127 There is no policy requirement for developer contributions at this location.

Residential Amenity

- 128 The proposal has a number of environmental considerations associated with it such as dust, air pollution impacts through particulates, noise and vibration.

Noise

- 129 Policy 56 of LDP2 and part of Policy 49A state that there is a presumption against the siting of development, which will generate high levels of noise in the locality of existing noise sensitive land uses. A Noise Assessment has been submitted with the application.
- 130 Environmental Health have considered the contents of the Noise and Vibration Assessment and it is noted that the same working hours are proposed as currently used on site (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 Saturdays And no workings permitted on Sundays) which is considered to be acceptable. A condition is recommended to ensure this remains the case (Condition 13).
- 131 The Noise Report indicates that noise monitoring of the existing operation has been carried out and concludes that the present noise impact from the site is minimal.
- 132 It should also be noted that there are no letters of representation and Environmental Health have advised that they have received no complaints regarding noise, vibration or dust associated with the operations of the quarry.

Vibration

- 133 A qualitative assessment of potential impacts from vibration on sensitive receptors has also been carried out based upon the proposed phasing and operations at the site and the plant which is required during each phase and concludes that vibration is not likely to impact upon nearby receptors.

Air Quality and Dust

- 134 An assessment of potential dust generating sources was undertaken to determine the best methods of limiting or suppressing dust attributable to the proposals. Given the nature of the quarry and its proximity to the water table all extraction is in the form of wet sands and gravels and therefore there is limited dust generation.
- 135 There is not considered to be any adverse impact on neighbouring or recreational amenity providing that the recommendations within the submitted OEMP are strictly adhered to which will ensure best practise measures are employed on site. A condition is recommended to ensure a finalised OEMP is submitted for approval (Condition 4).

Lighting

- 136 Policy 55 of LDP2 relates to light pollution, seeking to prevent statutory nuisance from occurring due to artificial lighting. Lighting generally is restricted to the site compound area and on the front of certain plant and machinery. The applicant has advised that site operations will generally not take place during the hours of darkness. A condition is recommended to control light spill from the site (Condition 22). Due to the surrounding topography and screening afforded by existing woodland the site is not considered to generate significant light pollution and therefore accords with Policy 55 of LDP2.
- 137 As such, on the basis of the information submitted and through the use of appropriately worded conditions (Conditions 4, 11, 12, 13, 14, 15, 16, 17, 19 and 20) the proposal is considered to comply with Policies 49A and 56 (relating to noise and residential amenity) of LDP2.
- 138 Overall, subject to conditions and adherence to the OEMP the proposal is considered to be acceptable in terms of residential amenity.

Recreational Access and Tourism

- 139 Policy 15 relates to public access, advising acceptable development proposals shall not have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used routes.
- 140 Development proposals that would unreasonably affect public access rights to these features will be refused unless these adverse impacts can be adequately addressed in the supporting plans and suitable alternative provision is made.

- 141 There are no core paths or right of ways located on the site with closes routes being on the north side of the A9 and into the Ochills to the south. As such, the proposal is not considered to impact on these routes other than minimal impact in terms of visual and landscape impacts of users of the Ochills routes which overall is acceptable.
- 142 The final restoration proposals involve reinstatement of the land to create ponds for fishing and recreational walking routes which will provide improvements and additional recreation and tourist uses in the local area. The final footpath access plan will be subject to further approval by condition (Condition 22).

Archaeology

- 143 Perth and Kinross Heritage Trust have been consulted on the application and have advised that there are no concerns or impacts relating to archaeology associated with this site. The proposal therefore complies with Policy 26B of LDP2.

Cultural Heritage

- 144 LDP2 seeks to ensure that matters of cultural heritage are protected from inappropriate development.
- 145 Historic Environment Scotland (HES) have commented on the proposals and identified three Scheduled Monuments within the vicinity of the site and have concluded that the proposal would not impact on the integrity of these sites. There are no other cultural heritage impacts associated with the development.
- 146 The proposal is therefore considered to comply with the relevant cultural heritage provisions of LDP2.

Socio-Economic Benefits

- 147 Policy 8 encourages appropriate rural economic development opportunities and diversification and Policies 49A and B, which seeks to address extraction of minerals and subsequent restoration are considered directly relevant in the assessment of the socio-economic assessment. Perth and Kinross Council identifies sustainable economic growth as a key vision statement, recognising that its rural areas provide a valuable platform for food and raw material production, but equally through supporting tourism through the areas environmental assets and associated economic enterprises. Given the presence of an existing quarry operation on this site a socio-economic assessment was not considered to be necessary for this submission. It is acknowledged, however that the quarry provides materials for the local building trade and results in localised benefits to the economy and employment on site.
- 148 There is therefore considered to be tangible benefits associated with the operation of the site as a quarry in accordance with the objectives of Policies 8, 49A and B of LDP2.

PLANNING PROCESSING AGREEMENT

- 149 In line with best practice working arrangements, the applicant and the planning authority have entered into a planning processing agreement.

LEGAL AGREEMENTS

- 150 A Section 75 will be required in order to adequately secure the terms of the bond or other financial instrument associated with securing the required site decommissioning, restoration and aftercare over the lifetime of the development and beyond. The approved bond or financial instrument also requires to be maintained throughout the duration of the operation of the development hereby approved. The agreement would also require reviews at five-yearly intervals (as a minimum) from the commencement of the development, to ensure an independent review of the approved bond or financial instrument is carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

DIRECTION BY SCOTTISH MINISTERS

- 151 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

- 152 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.
- 153 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Within 6 months of the date of this decision a detailed Water Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Water Management Plan shall include full details of the management of surface water during earthworks or stockpiling of soils and shall include details of silt management devices, cut off drains, proposed abstractions and welfare drainage. It should also detail de-watering details if this is proposed. The details, as approved in writing, shall be strictly adhered to for the duration of the operations on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure adequate management of water on site.

- 3 Within 6 months of the date of this decision notice, an Invasive Non-Native Species Control Plan shall be submitted to and approved in writing by the Planning Authority. The Invasive Non-Native Species Control Plan as approved in writing shall be strictly adhered to during the lifetime of the development.

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

- 4 Prior to the commencement of any phases of development which relate to new mineral extraction, a detailed Operational Environmental Management Plan (OEMP) shall be submitted to and approved in writing by the Planning Authority. to include mitigation measures to minimise the impact of noise, vibration, dust and lighting from the development site, must be submitted to and approved in writing by the Planning Authority. The finalised OEMP can be based upon the draft OEMP (Appendix G of the Environmental Appraisal) submitted with the application.

The OEMP is a live document which shall be updated to reflect changing site conditions as works progress on site.

The OEMP, as approved, shall be strictly adhered to for the duration of operations on site until the site is fully restored to the satisfaction of the Council as Planning Authority.

Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

- 5 Within six months of this planning application being approved, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type C Road construction detail. The Type C Road construction detail shall continue for a minimum of 15 metres back from the edge of the road carriageway. The dropped kerbs shown in Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail will not be required as there is no existing footway. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 6 Within six months of the date of this decision notice, the road carriageway on the B8062 shall be resurfaced across both running lanes over the length of the Type E access formation, using the construction detail below:

- 40-50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 7 Within six months of the date of this decision notice, the over-run areas to the south verge and north verge on the B8062, as outlined in Figures 5.2 and 5.3 respectively of the Transport Statement dated 17th May 2019, shall be resurfaced, using the construction detail below:

- 50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone
- 100mm Basecourse - Dense Bitumen Macadam with 20mm stone
- 300mm Sub-base type 1

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority. For the avoidance of any doubt, the existing kerb line shall remain in place.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 8 Within six months of the date of this decision notice, road signs showing that the public road narrows on both approaches to the Ruthven Water Bridge must be installed. Diagram 516 with a supplementary plate (S2-2) "Oncoming vehicles in middle of road" must will be installed on both approaches. The location of the signs must be agreed with the Area Roads Engineer prior to installation and be erected in accordance with standards of the Roads Authority.

Reason: In the interests of road safety.

- 9 The conclusions and recommended action points within the supporting biodiversity survey (19/01927/28) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 10 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 11 Noise from any plant and machinery associated with the development shall be controlled such that it does not exceed 55dBAeq, 1 hour (free field) at 3.5m from the façade of noise sensitive properties (except during temporary operations as referred to in condition 12.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council, Environmental Health and all neighbouring noise sensitive dwellings should be advised in advance of the activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 13 The hours of operation shall be limited to Monday to Friday 08:00 to 18:00 hours and 08:00 to 13:00 Saturdays. No workings permitted on Sundays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 14 All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall always be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 15 The existing dry wheel bath on site shall be retained for the duration of site works and until all aftercare measures have been completed and shall be utilised at all times. The dry wheel bath shall be supplemented by a road brush as required.

Reason: To ensure the public road is kept clear of debris from the site.

- 16 Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 17 No blasting shall take place on the site at any time.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 18 The extraction of sand, gravel and sandstone and subsequent restoration and aftercare shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, restoration, landscaping and proposed aftercare as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted unless agreed in writing with the Council as Planning Authority.

Reason: In order to ensure the development proceeds in accordance with the approved plans and documents and to serve the rights of the Council as Planning Authority.

- 19 If any aspects of the operation results in justified complaints the applicant shall, if required by the Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 20 All external lighting shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 21 Should any external materials be required for site restoration a detailed Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority (Structures) prior to commencement of that phase of restoration. The TMP shall detail the number of HGV movements required for bringing additional materials into the site to complete the restoration phase. The Traffic Management Plan (TMP) shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMP as approved shall be strictly adhered to during the entire site construction programme.

Reason: To ensure adequate controls are put in place should there be a significant uplift in HGV movements to the site as a result of the restoration process.

- 22 Prior to the commencement of Phase 7 of the development full details of the proposed footpath recreational access plan and any associated buildings shall be submitted to and approved in writing by the Planning Authority. The footpath recreational access plan shall be implemented in full as part of the Phase 7 works to the satisfaction of the Council as Planning Authority.

Reason: To ensure appropriate final restoration of the site in accordance with the agreed phasing.

B JUSTIFICATION

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

C PROCEDURAL NOTES

No permission should be issued until a bond has been agreed through a Section 75 Legal Agreement which has been signed by the Council and applicant associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

D 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 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 available to the public
 - Printed on durable material.
- 5 The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 The applicant should be 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 Environmental Protection Agency.
- 8 The applicant should be aware of the advice contained within SEPA's consultation response dated 28 January relating to pollution prevention control and the potential requirement for CAR Authorisation and should make contact with SEPA's regulatory team to discuss these matters.
- 9 The application should be aware of the guidance contained within Scottish Water's consultation response dated 16th December 2019 relating to Drinking Water Protected Areas.
- 10 Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
- 11 All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.
- 12 Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.
- 13 Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials or extraction methods.
- 14 The applicant should be aware of the guidance contained within Scottish Water's consultation response dated 16th December 2019 with particular regard to Drinking Water Protected Areas and Surface Water Drainage.
- 15 The applicant is reminded that there is a duty of compliance with other requirements such as The Water Environment (Controlled Activities) (Scotland) Regulations 2011, The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012. The SEPA consultation response letter of 28 January 2020 gives further specific

guidance on the responsibilities of the site owner / operator and the applicant is expected to establish an on-going site environmental management plan in liaison with SEPA to meet their regulatory requirements.

- 16 The applicant should be aware of the potential requirement for licensing in relation to protected species and should make contact with licensing department at Scottish Natural Heritage to discuss these requirements.
- 17 There is a Section 75 legal obligation associated with this planning permission, which relates to a financial bond for restoration. A copy is available to view on the Council's Public Access portal

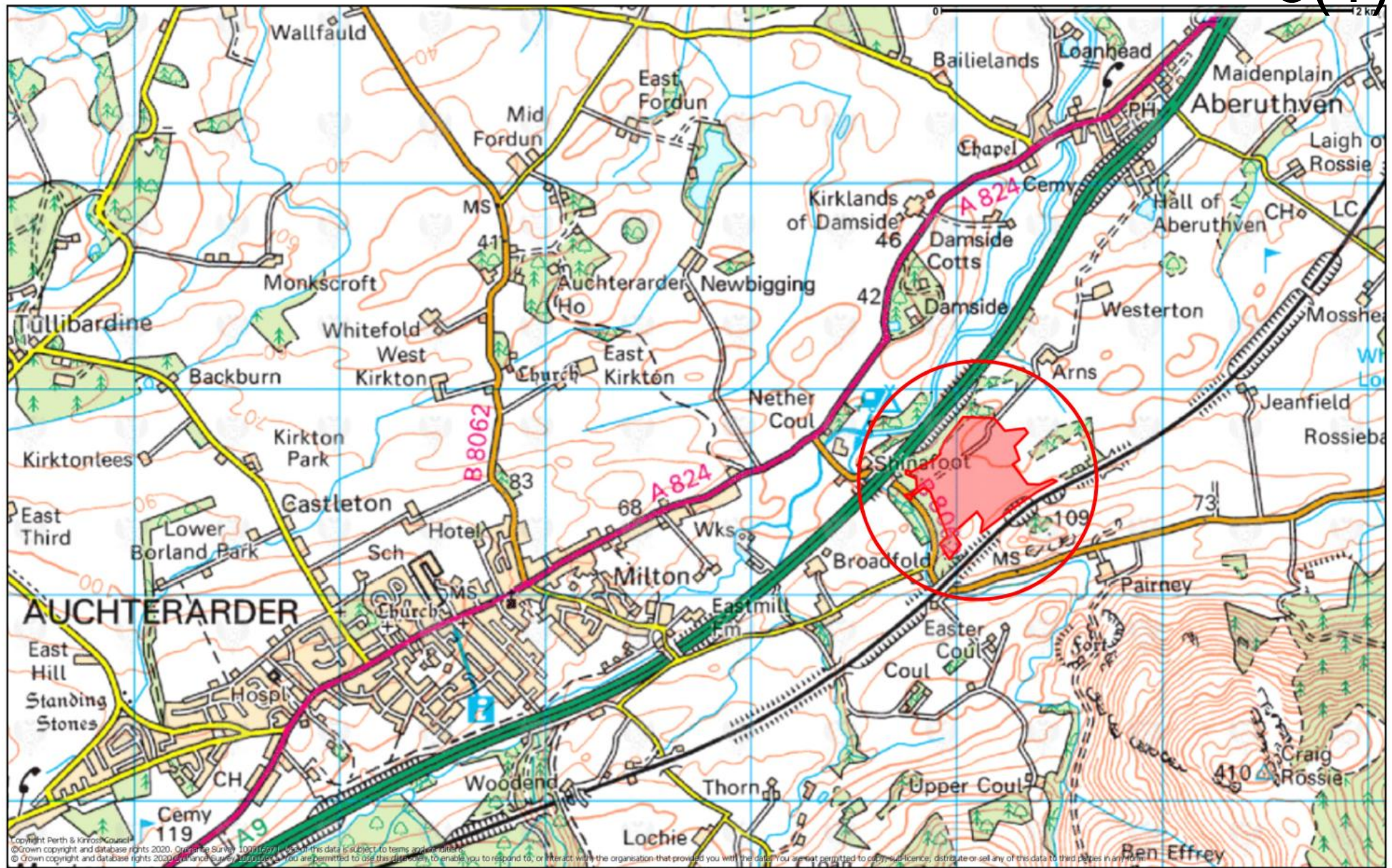
Background Papers: None
Contact Officer: John Williamson 01738 475360
Date: 26 March 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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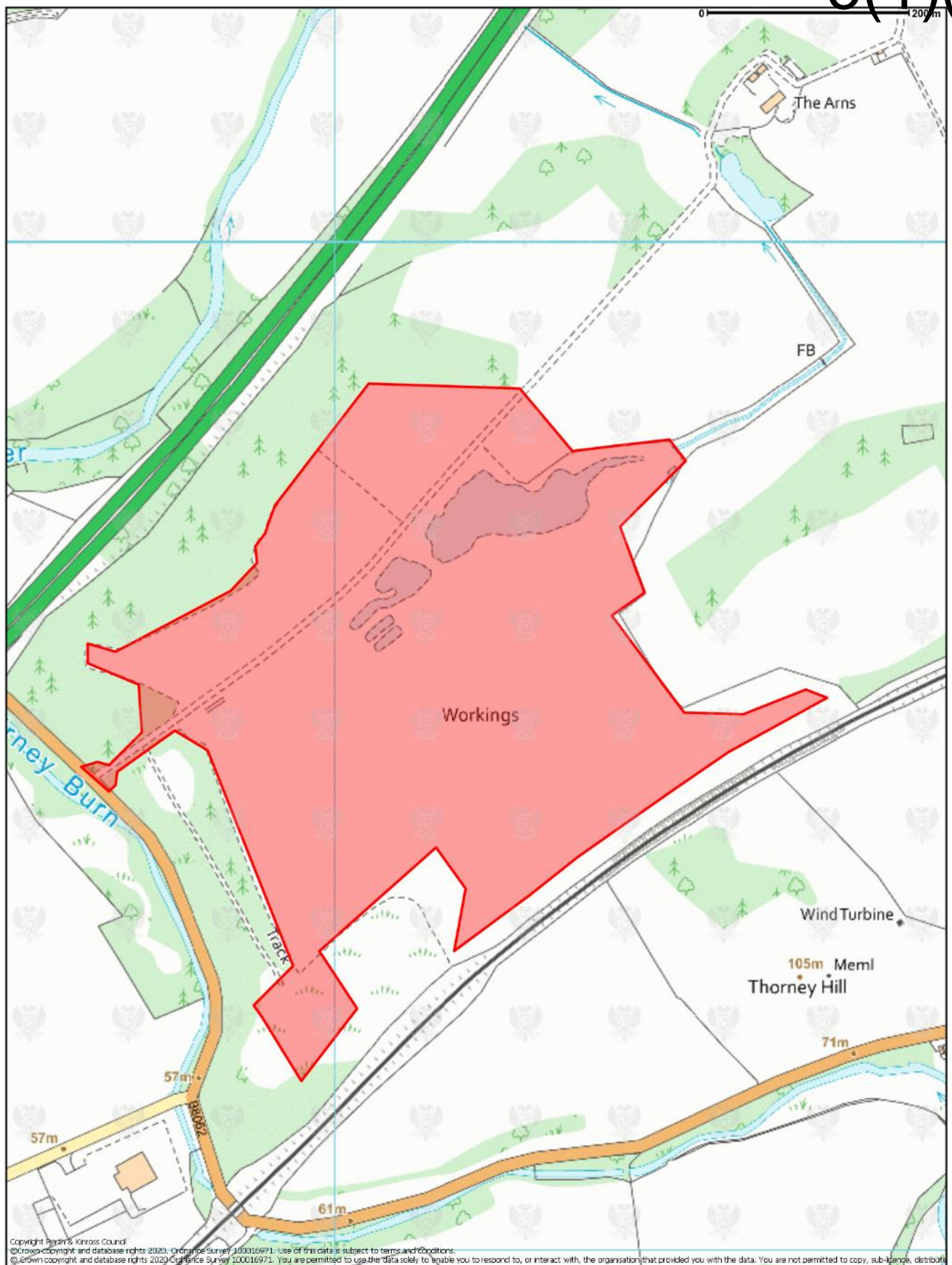
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19/01927/MWM

Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect) at Craiggossie, land SW of Arns Farm, Auchterarder





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19/01927/MWM

Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect) at Craigrossie, land SW of Arns Farm, Auchterarder



Perth and Kinross Council
Planning & Development Management Committee – 8 April 2020
Report of Handling by Head of Planning & Development (Report No. 20/89)

PROPOSAL: Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM)

LOCATION: Land south of Loak Farm, Bankfoot

Ref. No: [19/02106/MWM](#)

Ward No: P5 - Strathtay

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 The proposed development site is 16.9 hectares (ha) of former agricultural (arable and grazing) land located approximately 1 km south of the village of Bankfoot directly to the west of the existing A9 Trunk Road. The site is bounded by agricultural land to the south, the Garry Burn and agricultural land to the North, a private road (old A9) and the existing A9-(T) to the east and the Ordie Burn and agricultural land to the west. The site itself is relatively flat but there are two glacial hummocks at the northern perimeter.
- 2 Planning permission was granted in December 2018 to extract 400,000 tonnes of sand and gravel over a 30-month period to serve the Luncarty to Pass of Birnam section of the Scottish Governments' A9 dualling project. This approval commenced operation in Spring 2019 and has just over 2 years remaining before the operation ceases and restoration of the site is required. The applicant seeks to vary Condition 9 under Section 42 of the Planning Act to allow for an earlier start time of 6am. The applicant has been asked by the main contractor to supply asphalt from 6am Monday to Saturday. Operational activity is presently curtailed to a 7am start (Monday to Saturday) under Condition 9 of approval 18/00395/MWM. An Updated Noise Impact Assessment (NIA) has been submitted in support of the proposed modification
- 3 The site was established in Spring 2019 as a temporary borrow pit and depot exclusively supplying minerals to the Luncarty to Birnam leg of the A9 Dualling project. The approved plant and stocking yard comprises an area of 2.8-ha. Within the stocking yard the asphalt plant, ready mix concrete plant, weighbridge, wheel cleaning facilities are currently in operation.

PRE-APPLICATION CONSULTATION

- 4 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, the amended Regulations, which came into force on the 30 June 2013 removes the requirement for Pre-application Consultation for Section 42 applications (which relate to a 'major planning application') made on, or after the 3 February 2013. Accordingly, there is not a requirement for the applicants to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 A screening exercise was carried out in 2017. It was concluded that the development is not EIA development under the Town and Country Planning EIA (Scotland) Regulations 2011. As the site and surrounding circumstances have not altered in the past 3 years, and this is a S42 application to modify a condition, it is considered that a fresh screening will not be required in this instance.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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

- 8 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.

- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking
- Paragraphs 92- 108 Supporting Business and Employment
- Paragraphs 193 – 218 The Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- Air Quality and Land Use Planning (2004)
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

National Roads Development Guide 2014

- 11 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.

DEVELOPMENT PLAN

- 12 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

- 13 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.”

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 7: Energy, Waste and Resources
- Policy 9: Managing TAYPlans Assets

Perth and Kinross Local Development Plan 2 2019 (LDP2)

- 15 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. The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 15: Public Access
- Policy 26: Scheduled Monuments and Archaeology
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 48: Minerals and Other Extractive Activities
- Policy 49: Minerals and Other Activities - Supply: Restoration
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements

SITE HISTORY

- 16 The following planning history is relevant.

[17/01115/SCRN](#) EIA Screening request for sand and gravel borrow pit and associated coated roadstone and ready-mix concrete plants to serve A9 dualling project. Decision Issued August 2017 – EIA not required.

[17/00008/PAN](#) Proposal of Application Notice (PoAN) for creation of sand and gravel borrow pit and associated ready mix concrete and asphalt plants. Content of PoAN approved September 2017.

[18/00395/MWM](#) Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2no. portable buildings for office and canteen use and associated works for a temporary period. Application approved by Planning and Development Management Committee August 2018.

CONSULTATIONS

- 17 As part of the planning application process the following bodies were consulted:

External

- 18 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposed modification.
- 19 **Scottish Natural Heritage (SNH)** - No objection to the proposed modification.
- 20 **Scottish Water** - No objection to the proposed modification but advise they do have infrastructure within the site.
- 21 **Transport Scotland** - No objection to the proposed modification.
- 22 **Historic Environment Scotland (HES)** No objection to the proposed modification but advise that a Scheduled Monument is in proximity of the site.
- 23 **Health and Safety Executive (HSE)** - Following online assessment tool (PADHI+), no objection to the proposed modification.
- 24 **Perth and Kinross Heritage Trust (PKHT)** - No objection to the proposed modification as an existing Working Scheme of Investigation (WSI) is in operation.
- 25 **Auchtergaven Community Council** - No objection to the proposed modification provided the B867 road is not used as a result.

Internal

- 26 **Environmental Health** - No objection to the proposed modification following assessment of updated Noise Impact Assessment. Slight modification required to Condition 13 of permission 18/00395/MWM in relation to acceptable noise levels at neighbouring properties.
- 27 **Land Quality** - No objection to the proposed modification.
- 28 **Biodiversity/Tree Officer** - No objection to the proposed modification.
- 29 **Strategy and Policy** - No objection to the proposed modification provide impact of noise and traffic generation is acceptable.
- 30 **Community Greenspace** – No response received.

- 31 **Transport Planning** - No objection to the proposed modification.
- 32 **Structures and Flooding** - No objection to the proposed modification.
- 33 **Development Negotiations Officer** - No objection to the proposed modification.

REPRESENTATIONS

- 34 None received.

ADDITIONAL STATEMENTS

35	Screening Opinion	Submitted in 2017 – EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment (AA)	Not Required for S42. AA completed for 18/00395/MWM
	Design Statement or Design and Access Statement	Not Required for minerals application
	Report on Impact or Potential Impact	Noise Impact Assessment

APPRAISAL

- 36 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 LDP2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies, supplementary guidance, consultation response and any representation received.

Principle

- 37 Since the approval of the 18/00395/MWM application in December 2018 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 mineral extraction at this location is still maintained under the extant permission as the approved site is currently in operation. The proposed variation of condition 9 (hours of operation) to allow works to commence on site at 06:00 every weekday must be assessed to ascertain if there is any adverse impact on the area, including residential amenity, by allowing an extra hour's operation per working day.
- 38 In addition, the 2018 permission had a number of pre-commencement elements of conditions that are no longer relevant as they have since been approved and the site has been in operation since Spring 2019. It is good practice, where

approving a S42 application, to update the conditions to meet current regulations and requirements.

Residential Amenity

- 39 The approved development has been in operation for 18 months and the applicant has requested to extend the operational times by one hour, starting at 06:00 hours Monday to Saturday. Environmental Health have examined the submitted the Noise Impact Assessment (NIA). They have agreed that a lower noise measure of 47dB LAeq would be acceptable for nearby noise sensitive receptors where previously a 55dB LAeq limit had been applied for the hours of 0700 – 1900 and 42dB LAeq for the properties that had the lower limit of 45dB LAeq applied by Condition 13 of 18/00395/MWM.
- 40 Environmental Health agree with the findings of the NIA in that the proposed noise levels are below the existing noise levels without the site in operation between 06:00 and 07:00hours. To continue protection for the residential amenity of neighbouring properties, they recommend a slightly modified Condition 13 to that of the 18/00395/MWM permission. Overall the proposed change to Condition 9 and modification to Condition 13 accords with LDP2 Policy 56 – Noise Pollution and makes the proposed modification acceptable. (Condition 9 & 13)

Design and Layout

- 41 The proposed modification to Condition 9 will have no impact on the approved and operational layout as no physical changes are being proposed.

Landscape

- 42 The proposed modification to Condition 9 will have no impact on the local landscape as no physical changes are being proposed.

Visual Amenity

- 43 The proposed modification to Condition 9 will have no impact on the visual amenity of the area as this will remain unaltered.

Roads and Access

- 44 Neither Transport Scotland nor the Council's Transport Planning team have raised any issue with an extra hour per day operation on site in relation traffic and road safety. The proposed modification will have no impact on the nearby road network. Auchtergaven Community Council (Bankfoot) did not raise any objection to the proposal providing traffic originating from the earlier start time did not use the B867 before 07:00hours. This is covered in the Traffic Management Plan (TMP) and condition 19 requires compliance with that agreed TMP (Condition 19).

Drainage and Flooding

- 45 Neither SEPA nor the Council's Structures and Flooding department have raised any flood risk or drainage issues with the proposed modification to Condition 9.

Conservation Considerations

- 46 HES has confirmed that the proposed modification of Condition 9 will not have any impact on the nearby Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area.

Natural Heritage and Biodiversity

- 47 SNH have no comment to make on the proposed modification and the Council's Biodiversity Officer has confirmed that the proposal will not have an impact on local biodiversity.

Developer Contributions

- 48 No contributions are required by this S42 application.

Economic Impact

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

LEGAL AGREEMENTS

- 50 None required. A Section 75 Legal Agreement is already in place for the restoration of the site following the end of mineral extraction and will not require modification in light of this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 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 and that residential amenity will be maintained for the duration of the mineral extraction.

- 53 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The approved development shall continue to be carried out in accordance with the approved plans and documents associated with 18/00395/MWM, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 All sand and gravel extraction within the site shall be completed within 3 years of the commencement of development i.e. 25 March 2022.

Reason: In accordance with the terms of the application and in order for the Council as Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

- 3 The total volume of sand and gravel extracted from the mine shall not exceed 400,000 tonnes. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.

Reason: To ensure that all associated mine operations do not exceed maximum volumes of extraction assessed and ensuring a satisfactory standard of local environmental quality is maintained.

- 4 The extraction of sand and gravel shall continue to only be in accordance with the details of area and depth of working, as shown on the approved plans. No deviations shall be permitted.

Reason: In the interests of visual and residential amenity.

- 5 The approved Construction Environment Management Plan (CEMP) dated January 2019, 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 construction and operation programmes shall continue to be fully undertaken in accordance with the agreed CEMP.

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

- 6 Restoration shall be fully implemented within twelve months of the completion of extraction and shall be in accordance with the restoration scheme approved under Condition 7 below and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 7 The approved restoration scheme (plan reference 18/00395/4) shall be implemented in full following the completion of mineral extraction.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity

- 8 Prior to the commencement of restoration of the site a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason: To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial after use and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).

- 9 Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0600-1900 Mondays to Fridays and 0600-1300 hours on Saturdays. No operations are permitted on Sundays.

Reason: In the interests of residential amenity.

- 10 All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.

Reason: In the interests of residential amenity.

- 11 Only the plant machinery and equipment specified in the noise assessment submitted in support of this permission (or similar plant which generates no greater sound power levels) shall be used, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity.

- 12 If any aspects of the operation results in justified complaints the applicant shall, if required by the Council as Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of residential amenity.

- 13 Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the hours of 06:00 – 19.00 Monday to Friday and 06:00 -13.00 on Saturdays.

Loak Farm	L _{Aeq} , 1 Hour 42 dB (free field)
Jackstone Steadings and Farm	L _{Aeq} , 1 Hour 42 dB (free field)
Watermill Cottage	L _{Aeq} , 1 Hour 42 dB (free field)
House of Nairne	L _{Aeq} , 1 Hour 42 dB (free field)
Kilburn	L _{Aeq} , 1 Hour 42 dB (free field)
Barn House, East Mains	L _{Aeq} , 1 Hour 47 dB (free field)
Holm Cottage, East Mains	L _{Aeq} , 1 Hour 47 dB (free field)
Anvil Cottage, East Mains	L _{Aeq} , 1 Hour 47 dB (free field)
Westwood Farm	L _{Aeq} , 1 Hour 47 dB (free field)

Where there is more than one property at the above sites, noise limits apply to all properties at that location.

Reason: In the interests of residential amenity.

- 14 To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB L_{Aeq}, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council (Environmental Health) and all neighbouring noise sensitive dwellings shall be advised in advance of the aforementioned activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

Reason: In the interests of residential amenity.

- 15 All external lighting shall continue to 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 to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of residential amenity.

- 16 Wheel cleaning facilities shall be provided at the exits from the site for the entire duration of operations and restoration. All vehicles leaving the site will be required to use these facilities.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 17 Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity.

- 18 No blasting shall take place on the site.

Reason: In the interests of residential amenity.

- 19 The approved Traffic Management Plan (TMP) shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme by Transport Scotland.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 20 No part of the access road from the borrow pit shall extend beyond the parallel road to the west of the existing A9 until this is demonstrated to be necessary to allow the movement of material from the borrow pit to the works for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

- 21 The approved drawings of the link road, agreed as part of the Traffic Management Plan, between the parallel road to the west of the A9 and the existing A9 carriageway shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme; To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- 22 The approved drawings show the construction and alignment of the link road and the connection to the existing A9. The approved junction shall continue to prevent right turns to and from the link road to the existing A9.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 23 The agreed timing of any works necessary to allow the movement of material from the borrow pit to the dualling works for the Luncarty to Pass of Birnam dualling scheme, shall continue as approved.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 24 No works necessary to allow the movement of material from the borrow pit to the dualling works for the A9 Luncarty to Pass of Birnam dualling scheme, shall be undertaken without the approval of the appointed contractor.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

- 25 The use of the borrow pit shall cease on the completion by Transport Scotland of the A9 Luncarty to Pass of Birnam Dualling Scheme.

Reason: To restrict the use of the borrow pit to the duration of the contraction for the A9 Luncarty to Pass of Birnam dualling scheme.

- 26 The development shall not adversely impact public access particularly on core path AGVN/115 which must remain safely available for public access throughout construction and on completion. Any damage to the core path must be reinstated prior to completion.

Reason: To protect an existing core path.

- 27 The agreed programme of archaeological work in accordance with the written scheme of archaeological investigation shall continue to be fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To protect known and potential archaeology in area.

- 28 Protective fencing shall continue to be erected around MPK 2337 and along southern red line boundary at SM1562 and SM1524, and in a manner agreed with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To protect known archaeology and Scheduled Monuments in area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for 3 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 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 is included for your 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
- 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 The operation of this site will need to be licenced under SEPA's Pollution Prevention and Control (PPC) Certification as activities involve road stone coating and crushing and the cement batching.
- 5 This permission continues to be tied by the Section 75 legal agreement for restoration of the site associated with 18/00395/MWM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

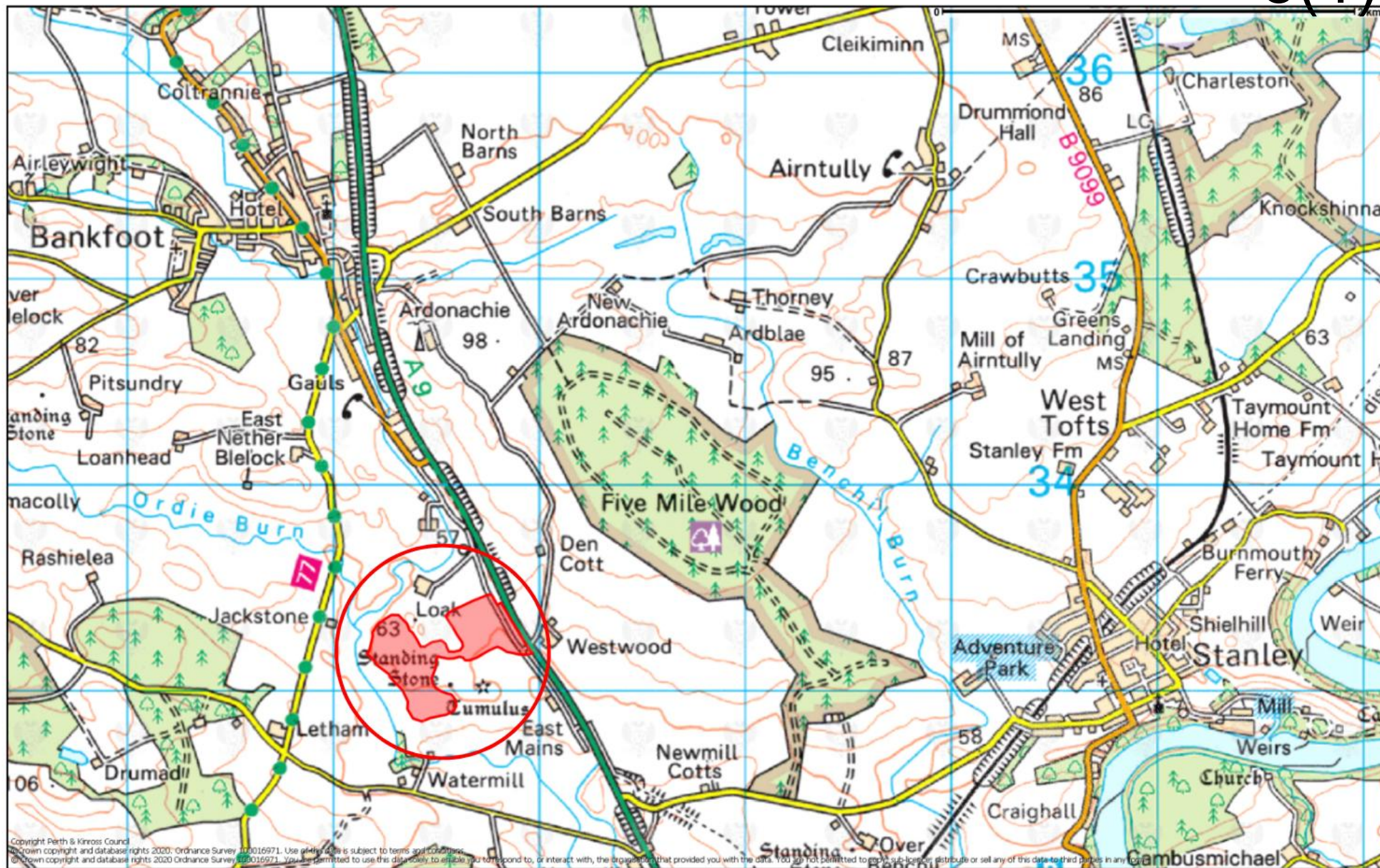
Background Papers: 18/00395/MWM Decision Notice
Contact Officer: Steve Callan 01738 475337
Date: 26 March 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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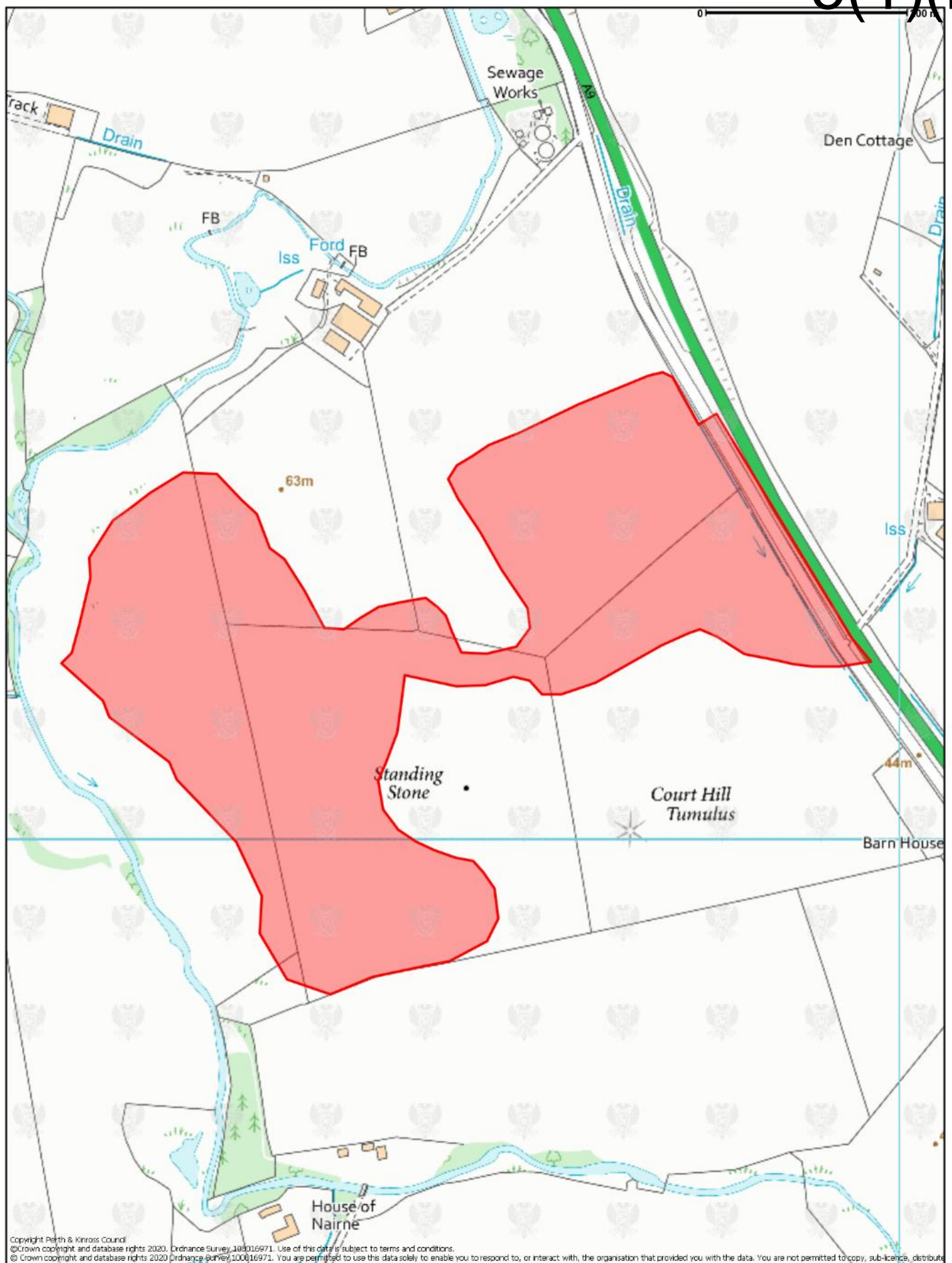
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19/02106/MWM

Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM) land south of Loak Farm, Bankfoot





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19/02106/MWM

Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM) land south of Loak Farm, Bankfoot



Perth and Kinross Council
Planning and Development Management Committee – 8 April 2020
Pre-Application Report by Head of Planning and Development (Report No. 20/90)

Erection of a replacement primary school and associated works

Ref. No: [20/00002/PAN](#)

Ward No: P12 – Perth City Centre

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the proposed replacement of North Muirton Primary School. The report aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 24 February 2020. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site is located within the settlement boundary of Perth and within the grounds of the existing North Muirton Primary School. The adopted Perth and Kinross Local Development Plan 2 (2019) (LDP2) zones the area as residential and compatible uses. The new school is proposed as a replacement for the existing North Muirton and Balhousie primary schools. It is intended for the new school to be built to the south of the existing North Muirton school, to allow its continued operation during construction. This PoAN seeks to formally establish a major development comprising uses as set out above. The exact scale, design and layout of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request has yet to be submitted.

PRE-APPLICATION PROCESS

- 4 A pre-application consultation (PAC) event was held at North Muirton Primary School, Uist Place, Perth PH1 3BY on Monday 9th March 2020 from 16:00-

20:00. The event was repeated at Balhousie Primary School, Dunkeld Road, Perth PH1 5DH on Tuesday 10th March 2020 from 16:00-20:00. Members of the public were invited to attend the events, which were in the form of "drop-in sessions" with display boards and with members of the Design Team, the Building Contractor and Perth & Kinross staff on-hand to explain the proposals and answer any queries with members of the public invited to complete a comment sheet.

- 5 The event was advertised in local newspapers and on the Perth & Kinross Council website. A leaflet drop was carried out to neighbours within a 200m buffer of the site. The following groups were also notified of the events by email: North Muirton Primary School and Balhousie Primary School Parent Councils and all parents/ carers/ staff and clubs and groups who currently let space within either school.
- 6 The Perth City Centre and Perth City North Ward Councillors were notified of the event. North Muirton Community Council and North Inch and Muirton Community Council were also notified. The applicant has also notified the MP for Perth and North Perthshire and the MSP for Perthshire North and Perthshire South.
- 7 The agent advises that, as the project progresses beyond the pre-application consultation period, Perth & Kinross Council will carry out additional consultation activities and information sharing. A User Reference Group (URG) will be formed and will meet periodically during the design process. A variety of stakeholders will be invited to form the URG including representation from the community council, parent council, local members, non-teaching staff, teaching staff and members of the design team. The group will discuss design plans, traffic management plans, timescales and other relevant project information.
- 8 Throughout the project there will be engagement with the School Management Team, wider staff and students to inform the developing detailed design. In addition, bulletins in the school newsletter will update parents/carers on the progress of the project.
- 9 It is also intended that a further public drop-in session will take place in the form of an informal information event to share more developed designs with members of the public. This will be held when the base plan is agreed and access/ egress/ external landscape proposals have been developed sufficiently.
- 10 The results of the community consultation will be submitted with the planning application as part of the required PAC Report.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 12 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 a 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

- 13 The SPP is a statement of Scottish Government policy on land use planning. 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
- Supporting Business and Employment: paragraphs 92 - 108
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

- 14 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- 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 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- Planning and Waste Management Advice (July 2015)

Designing Streets 2010

- 15 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013– A policy statement on architecture and place for Scotland 2013

- 16 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 17 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.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 18 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”

- 19 The following policies of TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: Managing TAYplans Assets
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 20 LDP2 was adopted on 29 November 2019. LDP2 is consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. The relevant policies are:

- Policy 1 – Placemaking
- Policy 2 – Design Statements
- Policy 5 – Infrastructure Contributions
- Policy 17 – Residential Areas
- Policy 32 – Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34 – Sustainable Heating and Cooling

- Policy 38 – Environment and Conservation
- Policy 39 – Landscape
- Policy 40 – Forestry, Woodland and Trees
- Policy 41 – Biodiversity
- Policy 42 – Green Infrastructure
- Policy 52 – New Development and Flooding
- Policy 53 – Water Environment and Drainage
- Policy 55 – Nuisance from Artificial Light and Light Pollution
- Policy 56 – Noise Pollution
- Policy 57 – Air Quality
- Policy 60 – Transport Standards and Accessibility Requirements

OTHER POLICIES

- 21 The following supplementary guidance and documents are of particular importance in the assessment of this application:-

- Developer Contributions Supplementary Guidance January 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

PLANNING SITE HISTORY

- 22 There is no known planning history for the proposed site.

CONSULTATIONS

- 23 As part of the planning application process the following would be consulted:-

External

- Scottish Water
- Scottish Environment Protection Agency (SEPA)

Internal

- Environmental Health
- Strategic Planning and Policy
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer
- Waste Services

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 24 The key considerations against which the eventual application will be assessed include:

1. Landscape and Visual Impact
2. Scale, Design and Layout
3. Impact on residential amenity
4. Natural Heritage and Ecology
5. Trees and landscaping
6. Impact of Noise
7. Transport Implications
8. Open Space Provision
9. Waste
10. Drainage
11. Air Quality
12. Flood Risk

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 25 If an EIA is not required, the following supporting documents will need to be submitted with any planning application;

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Tree Survey
- Phase 1 Habitat Survey including protected species and breeding birds
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

- 26 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None

Contact Officer: Joanne Ferguson

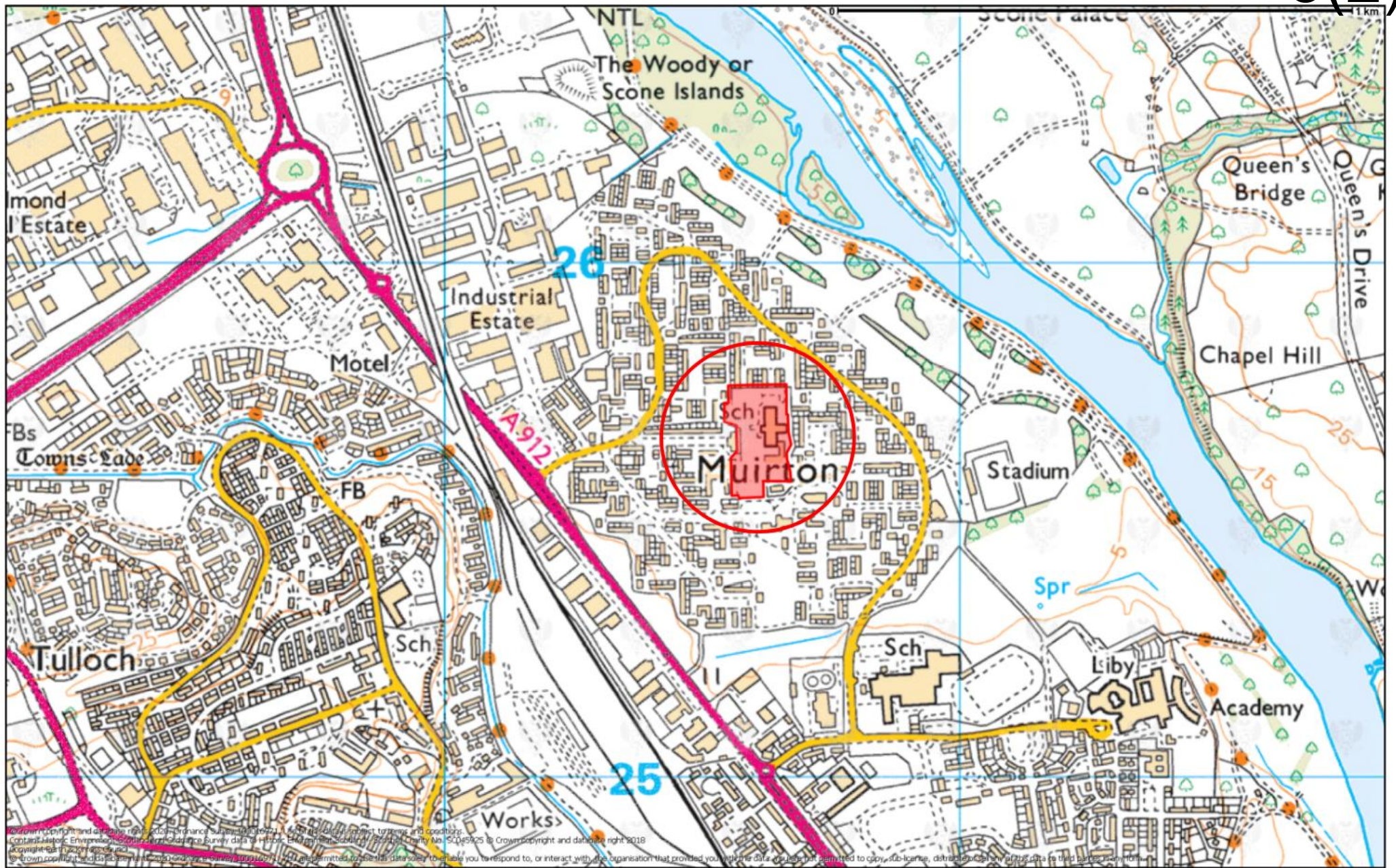
Date: 26 March 2020

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT

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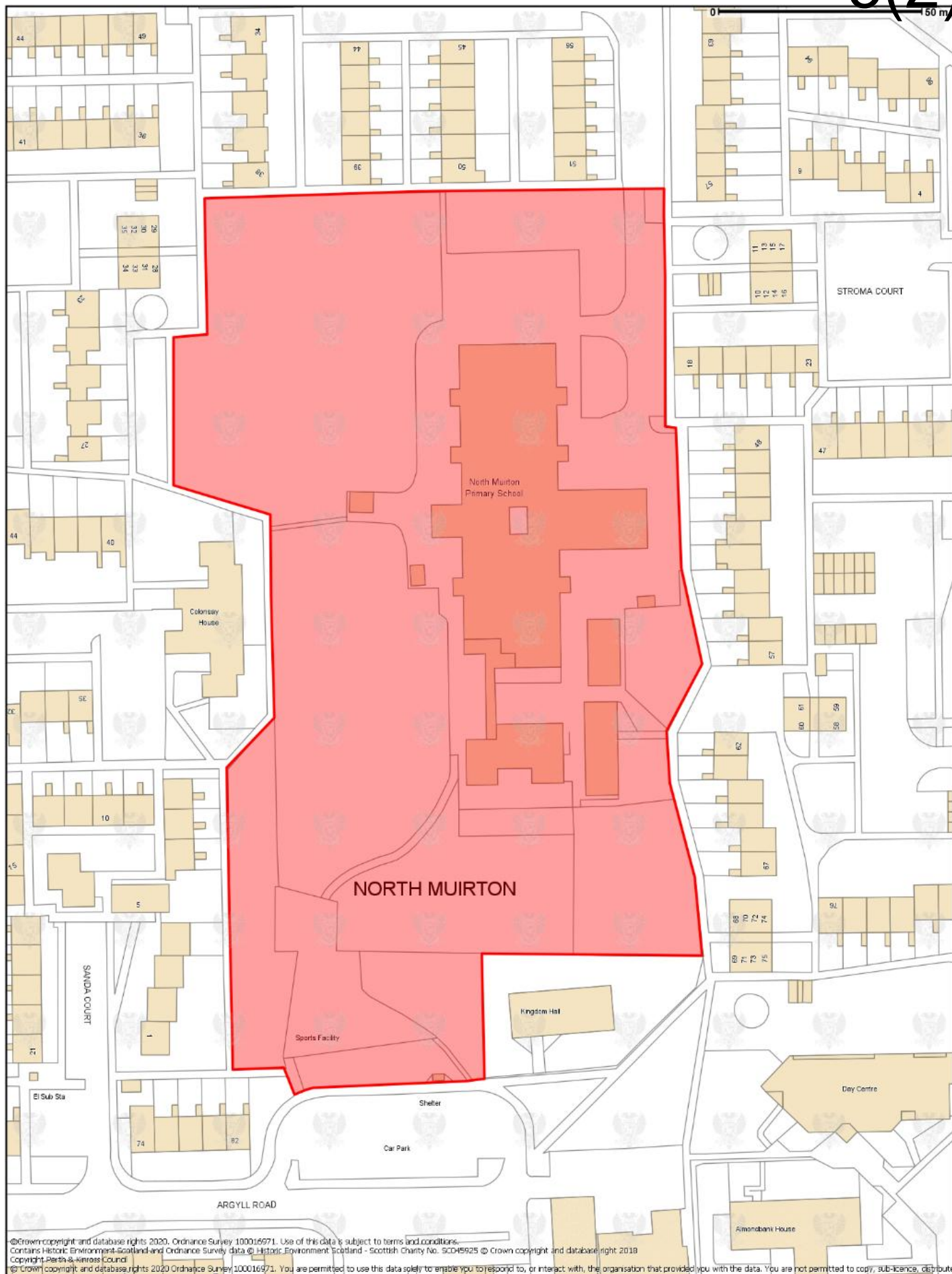
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20/00002/PAN

Erection of a primary school and associated works at North Muirton Primary School





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