

Perth and Kinross Council
Planning and Placemaking Committee – 10 August 2022
Report of Handling by Head of Planning & Development
(Report No. 22/177)

PROPOSAL:	Erection of a linked building for agricultural research and development, industry engagement and skills development and formation of roads, parking areas, landscaping, infrastructure and associated works (approval of matters specified by conditions 20/01103/IPM)
LOCATION:	The James Hutton Institute, Errol Road, Invergowrie, Dundee, DD2 5DA

Ref. No: [21/02137/AMM](#)
Ward No: P1- Carse of Gowrie

Summary

This report recommends approval of the Approval of Matters Specified by Conditions (AMSC) application for the erection of a linked building for agricultural research and development, industry engagement and skills development and formation of roads, parking areas, landscaping, infrastructure and associated works.

The recommendation is based on a consideration that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) consent 20/01103/IPM and other relevant material planning considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning Permission in Principle (PPP) (20/01103/IPM) was granted in November 2020 for a mixed-use development including alterations to existing and erection of new buildings. All to be used for: agricultural research and development; industry engagement; skills development, as well as the formation of parking areas, landscaping, infrastructure and other associated works. Several other related planning permissions exist including: for the erection of polytunnels (21/00651/FLL); the erection of 2 agricultural research buildings, stores, wash/filling bays, formation of access road, footpaths, parking area, hardstanding and associated works (21/00780/FLL); formation of SUDS ponds (21/01662/FLL and 21/01663/FLL); and a Section 42 approval to modify condition 3 (building height) of planning permission 20/01103/IPM.
- 2 The application site forms part of a wider 94-hectare area of relatively flat agricultural land situated west of Invergowrie and immediately south of the A90 Trunk Road.

- 3 That larger area contains a number of Institute activities with an extensive grouping of centrally located buildings, greenhouses and other facilities. These surrounded by extensive agricultural land that is used for cropping and research activities. The main access is from Errol Road to the south, at a point at the western end of Invergowrie. A separate planning permission (20/01104/FLL) allows for a new road from the Invergowrie roundabout, to serve the redeveloped and extended campus.
- 4 The overall site is identified in TAYplan as a Strategic Development Area and is allocated in the Perth and Kinross Local Development Plan 2 (2019) (LDP2) as site E37: James Hutton Institute Core Employment Uses - Class 4 Food.
- 5 This AMSC application seeks permission for the erection of two new facilities, an International Barley Hub (IBH) and a Advanced Plant Growth Centre (APGC). These would be linked together and provide agricultural research and development, industry engagement and skills development. The proposals also include the formation of roads, parking areas, landscaping, infrastructure and other associated works. To facilitate this development a number of buildings will require to be demolished.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 The proposal has been screened (20/00348/SCRN) and found that an EIA Report was not required, as the proposal does not trigger the relevant EIA thresholds.

Pre-Application Consultation

- 7 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 undertook formal pre-application consultation with the local community.

National Policy and Guidance

- 8 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 2014

- 9 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. This is a statutory document and material consideration in any planning application. It 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 (SPP)

- 10 The Scottish Planning Policy (SPP) 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.
- 11 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: 219 – 233
 - Managing Flood Risk and Drainage: 254 – 268
 - Promoting Sustainable Transport and Active Travel: 269 – 291

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 1/02011 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 and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

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.

Designing Streets 2010

- 14 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and

away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 15 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

- 16 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

- 17 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.”

- 18 It specifically identifies the Institute within Policy 3 as a Strategic Development Area as 5 to 10ha of employment land for food and agricultural research.
- 19 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 3: A First Choice for Investment
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets
- Policy 10: Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2

- 20 The Local Development Plan 2 (2019) (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.
- 21 The principal relevant policies are, in summary;
- Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7A: Employment and Mixed Used Areas
- Policy 14B: Open Space Retention and Provision:
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 26A: Scheduled Monuments and Archaeology
- Policy 31: Other Historic Assets
- Policy 32: Embedding Low & ZeroCarbon Generating Technologies in New Development
- Policy 34: Sustainable Heating &Cooling
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: 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 58A: Contaminated and Unstable Land
- Policy 60B: Transport Standards and Accessibility Requirements
- Policy 61: Airfield Safeguarding

Supplementary Guidance

- Placemaking Supplementary Guidance July 2020
- Developer Contributions and Affordable Housing Supplementary Guidance July 2020.
- Flood Risk and Flood Risk Assessments – Developer Supplementary Guidance January 2021

LDP2 Allocation

22 E37 James Hutton Institute Core Employment Uses - Class 4 Food

Site Specific Developer Requirements

- Development must be compatible with existing uses.
- Roads and access improvements to the satisfaction of the Council as Roads Authority.
- Transport Assessment.
- Enhancement of biodiversity and protection of habitats

- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).
- Provide new native woodland landscape edge on western boundary.
- Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured.

Other Policies

- 23 Tay Cities Region Economic Strategy 2019-2039. Perth and Kinross Council supplementary guidance (flood risk and flood risk assessment, 2021):

Site History

- 24 The following recent extensive planning history is relevant:
- 25 [07/01985/PN](#) Erection of a general-purpose agricultural storage building. Approved October 2007.
- 26 [10/00005/FLL](#) Erection of prefabricated building. Approved February 2010.
- 27 [15/00832/FLL](#) Planning permission was approved on 10 June 2015 for the installation of solar PV panels.
- 28 [15/01731/IPL](#) Planning permission in principle for the erection of a plant growth facility and associated works. Approved December 2015.
- 29 [16/00126/FLL](#) Planning permission for the erection of a plant growth research and production facility and ancillary works. Approved April 2016.
- 30 [19/00472/FLL](#) Planning permission for 3 hydroponic containers. Approved May 2019.
- 31 [19/00011/PAN](#) A Proposal of Application Notice (PoAN) relating to a proposed mixed-use development comprising Class 4 and 8 uses was considered sufficient in January 2020.
- 32 [20/00348/SCRN](#) EIA Screening for mixed use development. Decision Issued April 2020.
- 33 [20/00662/FLL](#) Planning permission for the siting of 3 office/welfare facility units and formation of parking, both for a temporary period. Approved on 21 July 2020.
- 34 [20/01103/IPM](#) Planning Permission in Principle for a mixed use development, including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle). Approved on 19 November 2020.

- 35 [20/01104/FLL](#) Planning permission for the formation of a vehicular access, access road, SUDS pond and associated works. Approved on 24 November 2020.
- 36 [20/01435/FLL](#) Planning permission for the installation of a ground source heat pump system, formation of equipment yard and associated works. Approved on 30 January 2021.
- 37 [20/01464/ADV](#) Advertisement consent for the display of signs. Approved on 24 November 2020.
- 38 [21/00651/FLL](#) Planning permission for the erection of polytunnels. Approved on 17 June 2021.
- 39 [21/00780/FLL](#) Planning permission for the erection of 2 agricultural research buildings, stores, wash/filling bays, formation of access road, footpaths, parking area, hardstanding and associated works. Approved on 31 August 2021.
- 40 [21/01494/FLL](#) Planning permission for the erection of compost storage unit and associated works. Approved on 20 October 2021.
- 41 [21/01495/FLL](#) Planning permission for the erection of a chemical storage building, cold storage building and associated works. Approved on 1 November 2021.
- 42 [21/01612/FLL](#) Planning permission for the installation of a cable and associated works. Approved on 19 January 2022.
- 43 [21/01662/FLL](#) Planning permission for the formation of a SUDS pond and associated works. Approved on 24 November 2021.
- 44 [21/01663/FLL](#) Planning permission for the formation of a SUDS pond and associated works. Approved on 24 November 2021.
- 45 [21/02031/FLL](#) Planning permission for the siting of 2 relocated portable office buildings and associated works. Approved on 14 February 2022
- 46 [22/00187/IPM](#) An application to modify condition 3 (building height) of planning permission 20/01103/IPM. Approved on 14 April 2022.
- 47 [22/00212/FLL](#) Planning permission for the change of use from a dwellinghouse to an office (Class 4) for agricultural research and development industry engagement and skills development. Approved on 2 May 2022.

CONSULTATIONS

- 48 The following bodies were consulted:

External

- 49 **Scottish Water:** No objections. Advise of water and wastewater capacity in the area and that Scottish Water records indicate that there is live infrastructure in

the proximity of the development, therefore, the applicant must contact Scottish Water for an appraisal of the proposals.

- 50 **Dundee City Council:** No objection.
- 51 **Invergowrie and Kingoodie CC:** No comments.
- 52 **Dundee Airport Ltd:** No objection subject to conditional control in order to safeguard Aircraft departing and arriving on runway RWY 09/27 and Dundee Airport. (
- 53 **Transport Scotland:** No objection.
- 54 **Historic Environment Scotland:** No objection. Advise that there of Scheduled Monuments in the vicinity but any impact on their setting is not considered be of national importance.
- 55 **Scottish Environment Protection Agency:** No objection in relation to flood risk.
- 56 **Scottish Forestry:** No comments.
- 57 **Perth and Kinross Heritage Trust:** No objection.
- 58 **NatureScot:** No comments.

Internal

- 59 **Planning and Housing Strategy:** No comments.
- 60 **Community Greenspace:** No objection. Condition recommended to ensure core paths are not impacted upon during the construction period and afterwards and that the temporary diversion must be removed and access along the original core path/Right of Way restored. Advice provided on the requirement for other legislative requirements to divert the existing core path/right of way through the site. As noted below in paragraph 100, an order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought.
- 61 **Environmental Health (Contaminated Land):** No objection, subject to standard condition.
- 62 **Enterprise Team:** No comments.
- 63 **Structures and Flooding:** No objection.
- 64 **Environmental Health (Noise Odour):** No objection on noise or air quality grounds, related standard conditions recommended.

- 65 **Biodiversity/Tree Officer:** No objection. Several conditions are recommended to ensure compliance with the submitted Biodiversity Survey, Biodiversity Action Plan and landscaping and planting scheme in addition to measures to protect animals from being trapped during construction activity.
- 66 **Transport Planning:** No objection, subject to conditions/informatives.
- 67 **Commercial Waste Team:** No objection.
- 68 **Conservation Team:** No objection.

Representations

- 69 No representations have been received.

ADDITIONAL STATEMENTS

70 Screening Opinion	Screened (20/00348/SCRN). EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design and Access Statement	Not Required
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Noise Impact Assessment, • Ecology Report, • Air Quality Assessment, • Travel Plan, • Aviation Study.

APPRAISAL

- 71 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.

Principle

- 72 The principle of the development is established through the approval of the extant PPP (20/01103/IPM). The proposed site is within the settlement boundary of Invergowrie and is identified in TAYplan under Policy 3 as a Strategic Development Area (SDA) providing 5 to 10 hectares of employment land for food and agricultural research and the allocation of E37 for Class 4 Employment Uses in LDP2. The allocation in LDP2 is intended to support the growth of the James Hutton *Institute and “allow for*

a range of potential businesses that supports the Institute's research into agriculture and food production".

- 73 The proposed development remains consistent with the overarching conditional terms of the PPP. Beyond this, it is also appropriate to assess the details of the proposals to ascertain alignment with the relevant PPP conditions and LDP2 criteria.

Design and Layout

- 74 The proposal is to erect two linear buildings linked together, allowing for internal access between the two. The most westerly building, shown as number 1 on the phasing plan and also referred to as the International Barley Hub (IBH), will be a two-storey building with external plant atop. This is connected via a link of 1.5 storey (accommodating growth cabinets with void above) to the Advanced Plant Growth Centre (APGC) Growth Facility building of 1.5 storey (noted on the phasing plan as number 2 and immediately adjacent to the eastern boundary). Accommodation will be provided at ground floor level with void above at the northern side of the building with a gantry floor at the southern side.

The buildings do not exceed 18 metres in height which is compliant with the recent S42 approval to vary condition 3 of 22/00187/IPM. In terms of finishing materials, the drawings specify the buildings will be finished in metal cladding in a combination of red/ochre and dark (exact colour not specified). The materials specification can be controlled by recommended condition 15. The design of the proposal will not appear out of place within the core complex of the existing buildings and infrastructure that is present at the James Hutton Institute. The scale is commensurate with neighbouring buildings and the materials complement the surroundings.

- 75 With regards to layout, the proposal is appropriately sited and respects the existing building pattern. The design, density and siting of development is considered to respect the character and amenity of the existing campus and surrounding area which also proposes improved links within and beyond the site to the local community.
- 76 Overall, the design and layout is acceptable and in compliance with LDP2 Policy 1 – Placemaking.

Landscape

- 77 The proposed uses are contained within the existing campus area and will not cause any significant new adverse landscape impact. The landscape will be improved by the demolition of some dated buildings and the introduction of new planting and resultant habitats. Overall, the proposal complies with LDP2 Policy 39 - Landscape. Condition 14 will safeguard this.

Residential Amenity

- 78 There are residential properties located immediately adjacent to the south east of the access road and 400m to the east of the development area, within the village of Invergowrie.

Air Quality

- 79 Conditions 2xii and 7 of 20/01103/IPM relate to air quality. The applicant has submitted an Air Quality Assessment (AQA) dated December 2021 by EnviroCentre.
- 80 The AQA assessed road traffic emissions generated by the additional traffic associated with the development and the subsequent impact this has on local ambient air quality at residential and public areas located in the vicinity of the main road network and on the Dundee City Air Quality Management Area, which is approximately 300 metres to the north and east of the development.
- 81 The sensitive receptors included existing residential dwellings on the A90, Mill Road, Greystane Road, and Burnside Road within the Perth and Kinross Council boundary, and a residential receptor on Green Circular Road within the Dundee City Council boundary. These receptors were selected due to their proximity to busy main roads most likely to be subject to traffic increases as a result of the development.
- 82 All the scenarios modelled predicted no significant change. Environmental Health have reviewed the AQA and agree with the methodology and modelling undertaken and as such have no objections in this regard.

Noise

- 83 Condition 5 of 20/01103/IPM relates to plant noise and although not requested by condition in 21/01103/IPM, the applicant has submitted a Noise Impact Assessment (NIA) dated 15 February 2022 by CSP Acoustics.
- 84 Environmental Health have reviewed the NIA and advised that the applicant will need to be mindful of any increases in the sound power levels of any plant equipment. It is, therefore, recommend that a condition be included with any permission to specifically protect residential amenity from noise associated with any new proposed plant to be installed at the site (Condition 3).
- 85 Due to the site's location within the existing central hub, there will be minimal impact on the residential amenity of residents at the western end of Invergowrie.

Lighting

- 86 Condition 2x of 20/01103/IPM relates to lighting on site and as such a lighting plan (drawing number 17) has been submitted along with this application. Environmental Health have reviewed the lighting plan and are satisfied that light from the site can be suitably controlled, such that the standard lighting

condition (condition 6 of 20/01103/IPM) can be met. Whilst no objections have been received, Environmental Health recommend this is controlled by condition (Condition 4).

Visual Amenity

- 87 It is considered that the proposed development will have no significant adverse impact on the landscape or visual amenity of the area. The proposed buildings will be viewed in context with the existing extensive built development at the JHI and will not look out of character. As such, there are no issues or concerns in respect to visual amenity. Whilst there will be some short-term visual impact during the construction phase, once the development is completed and suitably landscaped, it will have very little added visual presence when viewed from the surrounding farmland and adjacent roadside.

Roads and Access

- 88 A Transport Assessment (TA) was prepared for the PPP application which was reviewed by the Council's Transport Planning team. No issues were raised in regard to the traffic volume or impact of the proposed uses; however, it was noted that further assessment would be required at the Approval of Matters Specified by Condition (AMSC) stage relating to: off-site work, a road safety audit and ensuring suitable parking provision. Conditions 15, 16 and 17
- 89 In respect to off-site works, the TA identified mitigation at the A85/Main Street Junction on the boundary of Perth & Kinross Council and Dundee City Council. Condition 15 of the PPP (20/01103/IPM) relates.
- 90 The applicant has worked with both Perth & Kinross Council and Dundee City Council to deliver details of the mitigation measures for the A85 Riverside Avenue/Main Street, and its signalisation. The layout drawing (drawing number 40) provided by Fairhurst is acceptable in principle, subject to details being agreed during the Roads Construction Consent (RCC) process. (Condition 9).
- 91 There is a concern with the removal of the shared use (foot/cycle path) facility shown in red on drawing number 40 and not providing an alternative link. As a result, further discussion will be had on the provision of a replacement route for the shared use path to the west of the A85, again as shown on red in drawing number 40. Given a facility is being removed, it is reasonable to request an alternative route to be provide and this will be subject to further discussion through the RCC process.
- 92 In terms of condition 17 of the PPP application reference 20/01103/IPM, the applicant has shown that they can achieve the level of car parking across the site for this application. This will, however, be controlled by condition 5.
- 93 In respect of PPP condition 18, the applicant has recently constructed an additional vehicle access into the site from the roundabout at the end of Main Street, Invergowrie - [20/01104/FLL | Formation of vehicular access, access road, SUDS pond and associated works | The James Hutton Institute Errol Road Invergowrie Dundee DD2 5DA \(pkc.gov.uk\)](#). This vehicle access is only open to construction traffic for the site.

- 94 Noted within the PPP application, reference 20/01103/IPM, condition 18 specifies that the vehicle access would be constructed and available for use prior to the occupation of any development. Updates have been provided by the applicant on the progress of the vehicle access and it is expected that once the buildings proposed in this application are ready for occupation that the new vehicle access will be ready and available for the new staff to enter and egress from the site. It is, however, appropriate to re-apply this condition again to reduce the impact that the development will have on Errol Road in Invergowrie. (Condition 6).
- 95 With a number of access changes and improvements to the site, the Staff Travel Plan will be required to be updated to reflect these changes. A condition is recommended for the applicant to update the travel plan prior to occupation of any part of the development. (Condition 7).
- 96 Given there are a number of construction projects occurring at the James Hutton Institute, it is appropriate for a construction traffic management plan to be provided. This is so that there is consistency in the routes being used by construction traffic, to limit the impact on the local community and surrounding road network. It is anticipated that the construction traffic for this development will utilise the A90 Invergowrie Roundabout access. A condition will, therefore, be added to any approval, for the applicant to provide a Construction Management Plan for the site. (Condition 8).
- 97 Overall, subject to conditions as noted above, the proposal does not raise any transport issues and complies with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Paths

- 98 Community Greenspace have reviewed the proposal, as there are several core paths and rights of way through the grounds of the Institute and in the vicinity.
- 99 The applicant is aware of the right of responsible access, particularly on core paths, including non-motorised users, cyclists and horse riders.
- 100 The proposal to re-route the core path and right of way between the A90 and Errol Road via the JHI main drive (INGI/8 and 52/8) to pass in front of the new building was agreed in principle by Community Greenspace through the PPP application. However, this must be made suitable for all non-motorised public use. A suitable temporary diversion has been identified as specified in drawing 2488-OBE-V1-XX-DR-A-(1-)0003 C (PKC drawing number 38).
- 101 Community Greenspace also advise that if there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking

place (Condition 10 and Informative 9). With this in place the proposal complies with LDP2 Policy 15 – Public Access.

Drainage and Flooding

- 102 As per the LPD2 Site-Specific Requirement, A Flood Risk Assessment (FRA) was submitted with the PPP application. The FRA identified that parts of the overall site may be subject to some surface water flooding and SEPA advised assessment of surface water flood risk be undertaken by the Council's Structures and Flooding team (S&FT) at the detailed stage.
- 103 A number of conditions were placed on the PPP consent, in particular condition 2 which required '*full details of the proposed means of disposal of foul and surface water from the development*'. A foul drainage and surface water drainage strategy report (drawing number 30) has been submitted covering the masterplan area and this has been reviewed by the Council's S&FT.
- 104 The Council's S&FT raised no objections in terms of flood risk to the site, nor as did SEPA, subject to the provision of further information regarding surface water drainage. This was subsequently submitted and has been accepted.
- 105 Scottish Water have no objections to the proposal in relation to water and wastewater capacity. They do advise that their records show that there is Scottish Water Infrastructure running through the site and any development should not impact upon it (Informative 11).
- 106 Overall, the proposal complies with LDP2 Policies 52 – New Development and flooding and Policy 53 – Water Environment and Drainage.

Conservation Considerations

- 107 The applicant submitted a Heritage Impact Assessment (HIA) for the PPP application, addressing the Site-Specific Requirement of the site's allocation in LDP2, to assess the potential impacts of development on three Scheduled Monuments within close proximity and recorded archaeology. The Scheduled Monuments are as follows:
- SM6519 East Pilmore, unenclosed settlement 1 ,000m East of Invergowrie.
 - SM6517 Mylnfield enclosure 150m South West of TA Centre.
 - SM6469 Ring ditch and souterrain 595m East South East.
- 108 Historic Environment Scotland (HES) have considered the proposal and have no comments to make.
- 109 Perth and Kinross Heritage Trust (PKHT) have also considered the proposal and have no objections. Whilst there have been extensive prehistoric archaeological remains found as part of the wider PPP (21/01103/IPM), investigative work being still currently in progress, as this development is within the core building group and on developed land it is less sensitive and as such

there is no requirement for any archaeological work in relation to the works proposed.

- 110 Conservation colleagues have been consulted in respect of three Listed Buildings within close proximity of the site. These are:
- 88-90 Errol Road HS ref LB12846 (category C listing)
 - 47 Errol Road HS ref LB12845 (category B listing)
 - The Rowans, Braehead Road HS ref LB10841 (category C listing)
- 111 No concerns were received regarding the impact of the proposed development on the setting of the listed buildings.

Natural Heritage and Biodiversity

- 112 The LDP2 Site Specific Requirements include: enhancement to biodiversity and protection of habitats, including integrity of a European designated site(s); and providing new native woodland landscape edge at the western boundary.
- 113 The submitted updated ecological information to satisfy condition 2 of the PPP application has been reviewed by the Council's Biodiversity Officer and is found to be acceptable, containing similar findings to the ecological surveys undertaken in 2019. All recommended mitigation measures must be adhered to in full and as such will be controlled by condition 14.
- 114 The Council's Biodiversity Officer has also reviewed the submitted Bird Mitigation Plan which is found to be comprehensive and must be adhered to in full. This will also be controlled by condition 14.
- 115 The submitted site-specific Biodiversity Action Plan incorporates guidance and priorities from the Tayside LBAP and PKC enhancement guidance and is considered an exemplar of this type of plan. The measures must be adhered to in full and monitoring of the measures is strongly encouraged. This will be controlled by condition 14.
- 116 The submitted Landscaping Plan required by condition 2 of the PPP application contains a range of native species and the native hedging is particularly welcomed.
- 117 Overall, the submitted information is sufficient to satisfy the biodiversity conditions specified by 20/01103/IPM.

Contaminated Land

- 118 Environmental Health have commented on previous applications on this site in terms of land contamination, as such a corresponding condition within the PPP exists. Ground investigation reports and a Remedial Statement for the development are already in place. Both of which recommend and outline the remedial action to remove the contamination. In discussion with the

Environmental Health Officer (EHO) it is understood there has been no remedial works carried out on the site at this time. Further works are, therefore, required to ensure ground conditions are suitable for the development. As such, the EHO recommends a condition be applied to ensure compliance with LDP2 Policy 58 – Contaminated and Unstable Land (Condition 11).

Developer Contributions

- 119 The Council's Developer Contributions Officer has confirmed that the site is not located within the Transport Infrastructure contributions zone. Therefore, no developer contributions are required, and proposal does not conflict with LDP2 Policy 5 – Developer Contributions.

Waste Collection

- 120 No issues have been identified by the Councils Commercial Waste Services team.

Health and Safety

- 121 Dundee Airport have confirmed they have no objections to the proposed development in terms of impact of their operations, providing the use of any lifting equipment, cranes etc. is safeguarded prior to use by Dundee Airport in relation to aircraft departing and arriving on RWY 09/27. Furthermore, the use of lights, during construction should not dazzle nor distract aircraft preparing to land at Dundee Airport. Condition 2 will address this advice and ensure compliance with LDP2 Policy 61 – Airfield Safeguarding.

Economic Impact

- 122 The James Hutton Institute is a global leader in crop research and development, and a provider of education and skills development.
- 123 As such the Institute is a strategic partner in the development and delivery of food and drink initiatives and projects approved by UK and Scottish Governments within the Tay Cities Deal, including in excess of £60m government investment towards the International Barley Hub and the Advanced Plant Growth Centre.
- 124 PKC has worked closely with the Institute on the development of both of these projects and has been an active member of their Industry Advisory Group. These projects, along with significant others undertaken by the Institute, deliver on a number of the key, strategic ambitions set out within the Tay Cities Region Economic Strategy 2019-2039: encouraging, supporting and investing in research, innovation and collaboration to improve efficiency, productivity, sustainability, business growth, new opportunities and higher paid jobs. Dundee City Council have confirmed they are supportive of the proposal. The development will enable the Institute to put in place the necessary facilities and infrastructure so that it can fulfil the ambitions of both the Institute itself and the wider economic aims of Perth & Kinross and the Tay

Cities Region. As such, the economic impact of the proposal is both significant and positive.

LEGAL AGREEMENTS

- 125 None required as there are no developer contributions, core path or open space maintenance requirements.

DIRECTION BY SCOTTISH MINISTERS

- 126 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

- 127 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 128 The proposed uses will be contained within the existing campus and will not cause any adverse amenity or landscape impact for the surrounding area. The proposed location and form of development is considered to be acceptable.
- 129 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 use of any lifting equipment including cranes etc the applicant must receive written confirmation from Dundee Airport that aircraft departing and arriving on runway 09/27 will be safeguarded. Furthermore, the applicant must receive written confirmation from Dundee that the use of lights, during construction, shall not dazzle nor distract aircraft preparing to land at Dundee Airport, all to the satisfaction of the Council as Planning Authority.

Reason - To not impact on the operations of Dundee City Airport.

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

Reason - In order to safeguard the residential amenity of the area.

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

Reason - In order to safeguard the residential amenity of the area.

5. No part of the development shall be occupied or brought into use, whichever is the earlier, until the applicant has provided the minimum parking provision as shown on drawing number 39 hereby approved, to the satisfaction of the Council as Planning Authority. Once provided, the parking shall thereafter be permanently retained as such for the life of the development.

Reason - To provide a suitable parking provision for the development.

6. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented and available for use for any vehicles travelling to the site, subject to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

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

7. No part of the development hereby approved shall be occupied until the Staff Travel Plan (STP) has been updated to reflect the operational situation within the development area identified on drawing number 1, all aimed to encourage more sustainable means of travel. The updated STP shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Transport Planning. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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) 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 TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

9. Prior to the bringing into use of any part of the development hereby approved, the proposed junction modifications shown on drawing number 40 for the signalisation and improvements to the A85 Riverside Avenue/Main Street junction shall be implemented in full and fully operational, to the satisfaction of Perth & Kinross Council as Planning Authority. Prior to the implementation of the scheme, the relevant written agreements must be sought from Perth & Kinross Council and Dundee City Council as Roads Authorities. Evidence must be provided to Perth & Kinross Council that the relevant agreements from Dundee City Council are in place prior to the works being undertaken. For the avoidance of doubt, the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council. The applicant shall also provide specifications of the provision of Close Circuit Television (CCTV) pole(s), camera(s) and hard line connection to Dundee City Council Urban Traffic Control System (UTC) for written agreement prior to any works being undertaken.

Reason - In the interests of road safety and to provide active travel routes to the development site.

10. Access along core path INGI/8 and Right of Way 52/8, or along the short diversion as specified in drawing number 38 should remain open for responsible access throughout the construction phase. On completion the diversion must be removed and access along the original core path/Right of Way restored.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority.

Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - to ensure a satisfactory standard of local environmental quality.

12. The conclusions and recommended action points within the supporting Ecological Surveys, Bird Mitigation Plan and Biodiversity Action Plan submitted and hereby approved (drawing numbers 26, 27 and 37) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

13. 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 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).

14. The detailed landscaping and planting scheme (drawing numbers 16, 23 and 31) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. 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 - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

15. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

B JUSTIFICATION

- 130 The proposals are considered to remain in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

131 None.

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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
6. The findings and recommendations contained with the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 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.
7. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Perth & Kinross Council and Dundee City Council, as Roads Authorities, consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
8. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Dundee City Council, in

collaboration with Perth & Kinross Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.

9. The applicant is advised that if there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required.

The granting of planning permission does not stop the continued right of public access along the existing core path or right of way. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought.

10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development [Supplementary Guidance - Flood Risk and Flood Risk Assessments - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/development-management/supplementary-guidance-flood-risk-and-flood-risk-assessments).
11. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
12. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

13. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
14. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
15. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning

(Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

16. 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.

Background Papers: None
Contact Officer: Gillian Peebles
Date: 29 July 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.