

Perth and Kinross Council
Development Management Committee – 16 November 2016

Report by Interim Head of Planning

Erection of poultry rearing farm at land 400 metres south east of Tullybelton Lodge, Bankfoot, Perthshire

Ref. No: 16/01307/FLM
Ward No: N5 Strathtay

Summary

This report recommends approval of a detailed planning application for the erection of a poultry rearing farm at land 400 metres south east of Tullybelton Lodge, Bankfoot, Perthshire.

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND AND DESCRIPTION

- 1 The site extends to 4.5 hectares and is located within existing commercial woodland known as Tullybelton Wood some 2.7km south west of Bankfoot and 3.3 km west of the A9 Trunk Road. The site is proposed to be accessed from the minor Tullybelton Road (U32) off the A9. In the vicinity the nearest dwelling (Tullybelton Lodge) is 400 metres away.
- 2 The site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan (LDP) 2014 and is outwith any settlement boundary. There are no environmental designations associated with the site.
- 3 The proposal is to develop a bio-secure poultry layer breeding farm in an area of woodland. The proposed farm will comprise 3 poultry production houses and associated buildings totalling 7,510 sqm and infrastructure to accommodate up to 43,500 pedigree laying birds. The required associated buildings and infrastructure include the following:
 - Staff Social building
 - Substation and generator shed
 - Three feed silos
 - Two dry manure sheds
 - Two underground water storage tanks
 - Concrete hardstanding
 - Gravel finish
 - Landscaping
 - Boundary and security fencing

- 4 All the poultry houses (walls and roofs) will be constructed of profile green panels to help blend into the landscape. Security fencing of 2 metres in height will surround the operational part of the development site whilst the entire application site boundary will be protected by a stock proof fence of 1.2 metres in height.
- 5 A bell mouth entrance will be created at the existing site access. Vehicles including service vehicles will then travel along the access road, which will be hard surfaced, to the staff and visitor car park located at the northern end of the staff social building.
- 6 It is estimated that there will be two feed lorry deliveries and two egg dispatch vehicles (by van or small truck) per week. The proposal will create eight to twelve full time jobs with a total of six staff present on site Monday to Friday and four at the weekends. The applicant envisages that the staff will be employed locally.

ENVIRONMENTAL IMPACT ASSESSMENT

- 7 Due to the scale and type of the proposal it was required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (16/01033/SCRN) was submitted in June 2016 and found that an EIA was not required in this instance.

PRE-APPLICATION PROCESS

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 16/00001/PAN) outlined a public exhibition was held locally on 1 March 2016. The Ward Councillors for the area (Cllrs Kellas, Laing and Vaughan) were consulted as well as Auchtergaven Community Council.

NATIONAL POLICY AND GUIDANCE

- 9 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

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

The Scottish Planning Policy 2014

- 11 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:-
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
 - Paragraphs 193 – 218: Valuing the Natural Environment
 - Paragraphs 219 – 233: Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268: Managing Flood Risk and Drainage
 - Paragraphs 269 – 291: Promoting Sustainable Transport and Active Travel
- 12 The following Scottish Government Planning Advice Notes (PAN) 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 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2012-2032

- 14 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:

- 15 *“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”*
- 16 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 3: Managing TAYplan’s Assets

- 17 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Perth and Kinross Local Development Plan 2014

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

PM1A: Placemaking

- 21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

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

ED3 – Rural Business and Diversification

- 25 Favourable consideration will be given to the expansion of existing businesses and the creation of new businesses within or adjacent to existing settlements in rural areas. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify and existing business or are related to a site specific resource or opportunity.

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy NE2A - Forestry, Woodland and Trees

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

Policy NE2B - Forestry, Woodland and Trees

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

Policy NE3 - Biodiversity

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

Policy EP2 - New Development and Flooding

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

OTHER POLICIES

- 37 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

PLANNING SITE HISTORY

- 38 There is no planning history for the proposed site other than the aforementioned Proposal of Application Notice (16/00001/PAN) and EIA Screening Opinion (16/01033/SCRN).

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 39 No objection to the proposal and confirmed that a Pollution Prevention Control (PPC) permit from SEPA will be required to operate an Intensive Agriculture site. Based on the information provided they are satisfied that the development is potentially capable of being authorised under this regime. The permit application will consider the following issues:
- Housing and ventilation;
 - Slurry (and manure) storage;
 - Odour management;
 - Noise management;
 - Point source and fugitive emissions (including dust and ammonia);
 - Sustainable Urban Drainage Systems (SUDS);
 - Containment of contaminated water (such as house cleaning and vehicle wash);
 - Energy use and production;
 - General management of the site and good housekeeping;
 - Operational and emergency procedures;
 - Site condition prior to the permit; and
 - Decommissioning
- 40 SEPA note that there is a residential property within 400m of the proposed site (Tullybelton Lodge). The odour modelling that would be required due to this proximity has already been undertaken by the applicant and must be submitted with the PPC application.

Scottish Water

- 41 No response received.

Transport Scotland

- 42 No objection to the proposal.

Forestry Commission Scotland

- 43 No response received.

Auchtergaven Community Council

- 44 Whilst they welcome the creation of new job opportunities they do have concerns about odour and potential adverse impact on Bankfoot village and have stated an objection unless a condition is imposed on any consent, relating to a programme of monitoring odour omissions. This is proposed as part of the recommendation.

INTERNAL

Environmental Health

- 45 No objection to the proposal, but recommend conditional control regarding noise is included on any consent.
- 46 In order to address the issue of potential odour the applicant has submitted an odour assessment which modelled the potential for odour issues based on odour units $\text{OU}_E \text{ m}^{-3}$ with $3 \text{ OU}_E \text{ m}^{-3}$ typically being the maximum acceptable.
- 47 The highest impact was predicted to be $0.5 \text{ OU}_E \text{ m}^{-3}$ therefore the levels were well below those deemed acceptable. Given this and the fact odour will also be controlled through SEPA permit, Environmental Health have few concerns on the issue of odour.
- 48 Whilst noise is another issue which could lead to problems however again, due to the distance of this facility to residential properties with the nearest dwelling 400m away, Environmental Health have few concerns. Should noise ever become an issue they have recommended conditional control be applied with any permission.

Biodiversity Officer

- 49 Following submission of an Ecological Impact Assessment, the Biodiversity Officer has confirmed there are a number of structures used by red squirrels and extensive signs of feeding were found both on the site and in the surrounding woodland. A licence will be required from SNH to allow destruction of the dreys on site prior to felling. Three potential bat roost features were also found within the site and these should be checked prior to felling. He has recommended conditional control to mitigate the impact on red squirrels and bats.

Developer Negotiations Officer

- 50 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

Community Greenspace including Access

- 51 No response received.

Transport Planning

- 52 No objection to the proposal but will require a minimum of four passing places between the site and the A9 Trunk Road.

Structures and Flooding

- 53 Initially raised an objection due to lack of information regarding the proposed SUDs information. However following further discussion with the applicant and further information they are now content with the proposal subject to a recommended condition.

Economic Development

- 54 No response received.

REPRESENTATIONS

- 55 Other than the response from Auchtergavan Community Council the application has not attracted any representations within the statutory timescale. One late letter of objection from the neighbouring estate has been submitted.

ADDITIONAL STATEMENTS

56

Environment Statement	Not Required
Screening Opinion	Completed
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Supporting Planning Statement; Odour Management Plan; Transport Statement; Drainage Assessment

APPRAISAL

Policy

- 57 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy. The relevant policy considerations are outlined in the policy section above and will be considered in more detail below.

Principle

- 58 The proposed development is located within a very rural location west of the A9 Trunk Road, 2 miles south of Bankfoot village and the nearest property is over 400 metres away. Due to the nature of the process involved in the production of eggs, the proposed development requires to be in an isolated location. LDP Policy ED3 – Rural Business and Diversification provides support for the creation of new business in rural areas and sites outwith settlement boundaries may be acceptable if they are related to a specific resource or opportunity.
- 59 Because the development requires to be in an isolated location but with close proximity to the transport network, it is considered that the principle of the introduction of a new agricultural operation accords with the objectives of the Development Plan provided that detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to: the impact on the landscape and visual impact of the proposal; traffic implications and effects on neighbouring amenity such as odour and noise.

Landscape Character and Visual Impact

- 60 The supporting Planning Statement concludes that the landscape impacts of the development would be of minor significance. Applying LDP Policies PM1 and ER6 the proposed development is not located in a special landscape area or near to historic and cultural environments.
- 61 The proposed design and building height within a woodland plantation respects the site's level topography and skyline, as well as the wider landscape character of the area. Its discrete location within an existing woodland plantation will help to safeguard views, viewpoints and landmarks and thus protect the site's visual integrity and identity.
- 62 The form, location and nature of existing woodland and proposed planting is considered appropriate and would assist in effectively assimilating this large range of buildings within the surrounding landscape. A condition on any planning approval would be necessary to secure the implementation and maintenance of any compensatory planting.

- 63 To ensure effective integration with the existing group of buildings and to minimise any visual impact the submitted plans confirm that the finishing materials and colour of the new buildings will be dark green to complement the surrounding woodland.

Transport Implications

- 64 Both the Supporting Planning Statement and Traffic Management Plan submitted with the application identified both construction and operational traffic movements to and from the site.
- 65 The site benefits from an existing access off Tullybelton Road (U32) and a 12 month construction phase is anticipated. The site's existing bellmouth has been designed for HGV timber lorries but will be required to be upgraded to meet current required standards. The access provides good visibility for drivers. HGVs will be directed northwards onto Tullybelton Road and then onto U32 towards the A9.
- 66 Because the application site is located within a rural area where public transport is infrequent, it is expected that the small number of staff will travel to and from the site by car. Ten car parking spaces are therefore proposed with the application. Cycle parking is also proposed.
- 67 The operation will incur a low and controlled level of traffic. In terms of the operation itself, the poultry farm unit will initially import all of the birds at six week points and any HGV movements associated with the birds will only be travelling to the site from the A9. The transport implications of the proposed operation are a small number of private vehicles moving (less than 10) during the seven days per week operational hours of 06.30-15.00hrs.
- 68 HGV activity will vary considerably throughout the year depending on the point in the farming cycle. During the busiest period a maximum of 4 HGV movements will be generated each day. This is likely to occur for one week every 13 months. Intervening periods are likely to average only 3 HGV movements per week.
- 69 The Supporting Planning Statement and Traffic Management Plan conclude that the likely number of vehicle movements would not be significant and the local route network has the capacity to accommodate the proposed development.
- 70 Transport Scotland raises no objections to likely movements onto, and from, the A9 Trunk Road. The Council's Transport Planner is content that the proposed vehicular movement is a reasonable appraisal of the traffic impacts of the proposal at both construction and operational stage. However they will require the existing access to be reformed to meet their standards and have recommended improvements in the form of passing places to the route linking to the A9. There appear to be areas of verge along the route to/from the A9 that can accommodate some passing places.

Effects on Neighbours/Amenity

- 71 The application contains provision for poultry sheds with capacity for 43,500 birds and as such it will require a permit from SEPA. An application of this scale therefore has the potential to lead to loss of amenity at nearby receptors due to noise and odour. However the proposed location is relatively isolated with the closest residential property over 400 metres away (Tullybelton Lodge).

Noise

- 72 Environmental Health have assessed the potential impact of the proposed development on residential properties in the area. Due to the distance (400m to nearest dwelling) of this facility to residential properties they have few noise concerns and as a consequence it therefore it is considered to comply with LDP Policy EP 8 – Noise Pollution. However, as a precaution they have recommended a noise condition be attached to any consent in the unlikely event that noise should ever become an issue.

Odour

- 73 Auctergaven Community Council expressed their concerns regarding odour and impact on Bankfoot village. To address the issue of odour the applicant arranged for an odour assessment which modelled the potential for odour issues based on odour units $\text{OU}_E \text{ m}^{-3}$ with $3 \text{ OU}_E \text{ m}^{-3}$ typically being the maximum acceptable. The highest impact was predicted to be $0.5 \text{ OU}_E \text{ m}^{-3}$ therefore the levels were well below those deemed acceptable.
- 74 Given this and the fact odour will also be controlled through the SEPA permit, neither SEPA nor Environmental Health raised any concerns regarding the proposal and impact on nearby properties or Bankfoot village.

Dust

- 75 The effective management of dust from the production units will be a matter fully examined and controlled by SEPA at the PPC permit stage. However no issue has been identified at this stage by either SEPA or Environmental Health.

Lighting

- 76 As a consequence of night time working there will be the need for lighting of the yard and buildings. Consequently this Illumination may also have an impact in the landscape. However, with the existing screen planting surrounding the site the extent of any light spill is considered to be minimal.

Natural Heritage Interests

- 77 The application site is presently commercial woodland and is not designated for any international, national or local ecological importance. However as there is woodland to be removed and the area has records of Red Squirrels and Bats the Council's Biodiversity Officer required a protected species survey of the site to ensure no protected species are adversely affected by the development.
- 78 The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
- 79 The applicants submitted a detailed Ecological Impact Assessment which included a Protected Species Survey.
- 80 The Council's Biodiversity Officer has assessed the Ecological Impact Assessment and he has recommended a condition to ensure there is no adverse impact on any protected species. It will also be the developer's responsibility to ensure their development does not adversely impact any species protected under the Wildlife and Countryside Act 1981.

Trees

- 81 The proposal will result in a high number of trees being felled within an area of both private estate and surrounding commercial woodland. Tullybelton Wood was, until recently part of Cowford Estate. The woodlands on the Estate has been covered by a Forest Plan however as the estate is being broken up and sold separately the Forest Plan as it stands will not be taken forward.
- 82 The neighbouring forestry to the east is a commercial conifer seed orchard managed by the Forestry Commission and as such it is anticipated this is being managed for long term retention for seed production. To the north and south are arable fields and to the west (across the road) is another smaller block of commercial conifer woodland.
- 83 There is no Forest Plan or Felling Licence on the Tullybelton ground covered within the current application site. The proposed site plan shows over 50 metres of existing woodland to be retained along the north eastern end of the site immediately adjacent to the local road. This will help significantly to screen the development.
- 84 LDP Policy NE2 - Forestry, Woodland and Trees, requires compensatory woodland planting in line with the Scottish Governments Control of Woodland Removal Policy and the Councils Supplementary Guidance on Forestry and Woodland Strategy (2015). The applicant has confirmed they are agreeable to provide compensatory planting and this can be enforced through conditional control.

Design, Scale, Layout and Materials

- 85 The proposed buildings are similar in terms of scale and layout to other poultry rearing developments by the applicant or other poultry facilities in Scotland. The main buildings will be constructed in composite steel panels and coloured moss green to blend in with the surrounding woodland. The buildings will have the appearance of being large agricultural sheds and in this rural location it is considered they will not look out of place.
- 86 The proposed buildings have been designed to take account of energy saving and their height, colour and materials relate well to the surrounding character of the rural environment. The proposal thereby complies with LDP Policy PM1 – Placemaking.

Economic Benefits

- 87 The applicant has outlined that poultry breeding companies are looking to diversify and spread their important breeding stock to different parts of the world and that Scotland is renowned worldwide for its leading role in poultry breeding. A number of other highly specialist companies hold their breeding stock in Scotland due to its high health status.
- 88 This development will create up to twelve direct employees and there will be a significant number of downstream economic opportunities associated in terms of the construction period and secondly jobs in haulage, veterinary science, agriculture and animal feed production. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

Developer Contributions

- 89 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is an agricultural related business within the reduced contributions area and has a Gross Internal Area of 7,510m². In terms of paragraph 6.8 of the Guidance the Council supports the delivery of rural businesses and will only seek contributions based on the GIA of the Staff Social Building. The GIA of this building is 444m². The contribution will be calculated on the employment land use of £8 per m² and will total £3,552.
- 90 It is recommended that payment of the contribution should be made up front of release of planning permission. The additional cost to the applicant and time for processing any Section 75 legal agreements for applications of this scale is not considered to be cost or time effective to either the Council or applicant.

Non Material Considerations

91 Animal Welfare

The application indicates that the operations will meet industry standards in relation to the housing and welfare conditions of livestock. This is not a planning issue and the responsibility for adherence to welfare standards will rest with Scottish Government through its Animal Health Division Offices.

LEGAL AGREEMENTS

- 92 None required unless the applicant wishes to pay the required developer contribution via a Section 75 legal agreement.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 94 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to support agriculture as a major land use in the Plan area. The proposals for a poultry enterprise at Tullybelton would accord with this broad objective provided that environmental and landscape issues are satisfactorily addressed by any new proposals.
- 95 Through the use of planning conditions the proposals could secure a satisfactory landscape fit, could have an acceptable relationship to nearby residential properties and would not adversely affect the local and national transport network.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of development, details of compensatory woodland planting shall be submitted to and approved in writing by the Planning Authority in consultation to with Forestry Commission Scotland. The agreed detail shall thereafter be implemented prior to the completion of the development.

Reason: In the interest of forestry planting and biodiversity.

- 3 Prior to commencement of development, a minimum of 4 passing places (unless otherwise agreed in writing) shall be constructed on the U32 from the junction of the C408 by Letham Farm to the A9 at Newmill Farm. The location and design of the passing places shall be agreed in writing with the Council as Roads Authority prior to their construction.

Reason: In the interests of road safety.

- 4 Prior to the use or occupation of the development, the access from the U32 shall be reformed in accordance with Type D junction detail and constructed to the standards required by the Council as Roads Authority.

Reason: In the interests of road safety.

- 5 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 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 residential amenity.

- 6 The planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

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

- 7 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species.

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

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

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

- 9 Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the provision of provide effective drainage for the site.

- 10 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 unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 11 Prior to the commencement of development an updated ecological impact assessment must be submitted to and agreed by the Planning Authority to allow a full assessment of the development on habitats and wildlife as a result of the proposed development. The agreed detail shall thereafter be implemented prior to the completion of the 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).

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 Consent not to be issued until payment of the required developer contribution is paid or a Section 75 Agreement has been completed and signed.
- 2 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions, the application may be refused under delegated powers without any further discussion with the applicant.

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 visible to the public.
 - Printed on durable material.

- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 6 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 9 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.
- 10 The applicant is advised to contact SEPA regarding the requirement for a Pollution Prevention and Control (PPC) Part A Permit to operate an intensive agriculture site.
- 11 SEPA guidance "Management of Forestry Waste" should be consulted for details of how forestry waste can be suitably treated/disposed.
- 12 The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.

Background Papers
Contact Officer
Date:

None
Steve Callan – Ext 75337
1 November 2016

Nick Brian
Interim Head of Planning

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