

Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
(Report No. 22/216)

PROPOSAL: Erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works

LOCATION: Knappilands, Strathallan, Crieff, PH5 2BG

Ref. No: [22/00102/FLM](#)

Ward No: P7 – Strathallan

Summary

This report recommends **approval** of the application which proposes the erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works at Knappilands Strathallan. The proposals are considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning consent is sought for the erection of 4 poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works on a site occupied by 3 large redundant poultry units. Muthill village is located approximately 3km to the North-West. There is an existing unoccupied farmhouse which adjoins the site to the east and within the same ownership as the applicant, however, does not form part of this application. The site is relatively well contained by existing landscape features. A watercourse (Machany Water) occupies the southern boundary of the site with woodland beyond and farmland surrounds the site. The C457 public road and existing farmhouse adjoins the site to the east with an intervening woodland area.
2. Consent was originally granted for the replacement of a farmhouse with a new dwellinghouse and the erection of 4 dwellinghouses in 2007 (07/01501/FUL) which was subsequently renewed in 2012 (12/01699/FLL) and 2015 (15/01141/FLL), however, works have not commenced, and the consent has since expired.
3. This proposal is for a new pedigree lay farm consisting of four poultry buildings holding a maximum of 4,000 birds in each building, a total of 16,000 birds.
4. The submitted supporting statement specifies the site has been chosen for several reasons, which include:
 - Its previous use as a poultry farm, replacing derelict buildings;

- The agricultural setting and its distance from nearby properties (more than 330m away);
 - Benefits from concealment provided by existing woodland and its distance from any residential buildings.
5. The development site area is approximately 2.1ha with each shed measuring approximately 73m in length by 18.5m in width reaching a height of 5m to the ridge.
 6. Access into the site will be taken from the east, via an existing farm access adjacent to the southern boundary of the site. This will be upgraded with adequate space provided for staff car parking and for delivery vehicles on site.
 7. The proposal will create one Farm Manager supported by 3 Team Leaders and 15 full time staff and a Cleaner. The applicant envisages that the staff will be employed locally.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

8. Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
9. This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
10. An EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of flooding, noise, odour, ecology, traffic and transport were required.

Pre-Application Consultation

11. The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential poultry sheds having a floor space greater than 500 square metres. The applicant was therefore required to undertake formal pre-application consultation with the local community.
12. Public concerns raised as part of this process identified access and traffic, odour, landscaping, ecology and wildlife and availability of water supply as being matters not addressed by the consultation events. These matters have

been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.

National Policy and Guidance

13. 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 (NPF)

14. 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 (SPP) 2014

15. 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.
16. 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

17. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 3/2010 Community Engagement
 - 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 73 Rural Diversification
- PAN 75 Planning for Transport

Development Plan

18. 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

19. 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.”

20. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –

- Locational Priorities
- Shaping Better Quality Places
- Developer Contributions
- Energy, Waste and Resources
- Green Networks
- Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

21. The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It sets out a vision statement for the area which includes that.

“By 2036, the TAYplan area will be more 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.” It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.

22. The principal relevant policies are, in summary;

- Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Placemaking Supplementary Guidance March 2020

23. The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Site History

24. 07/01501/FUL Full planning permission was approved on 4 October 2007 for replacement of existing farmhouse and erection of 4 dwellinghouses on former chicken breeder unit.
25. 12/01699/FLL Full planning permission was approved on 29 October 2012 for renewal of planning consent (07/01501/FUL) to replace existing farmhouse and erection of 4 dwellinghouses on former chicken breeder unit.
26. 15/01141/FLL Full planning permission was approved on 3 March 2016 for renewal of permission 12/01699/FLL for the erection of 4 dwellinghouses and replacement farmhouse.

27. 20/01829/SCRN Proposed poultry farm. Negative screening opinion adopted on 24 December 2020.
28. 21/00013/PAN A 'Proposal of Application Notice' relating to a 'Major' development comprising: erection of 4 replacement poultry rearing sheds and associated works saw PKC confirm on 2 September 2021 that the approach set out in the PAN was accepted.

CONSULTATIONS

29. As part of the planning application process the following bodies were consulted:

External

30. **Scottish Water** – No objection. There is sufficient capacity in the Turret Water Treatment Works, however, no foul wastewater or surface water connection. It is noted that there is a water main within the site boundary and as such an informative is recommended.
31. **Scottish Environment Protection Agency** - No objection following receipt of updated Flood Risk Assessment (FRA). Comments noted in respect of Ecology and Regulatory Matters.
32. **Muthill And Tullibardine Community Council** - No response.
33. **NatureScot** – No response.
34. **Historic Environment Scotland** – No comments received.
35. **Perth and Kinross Heritage Trust** – No objection.

Internal

36. **Transport Planning** – No objection subject to conditions to ensure construction traffic is appropriately managed, a detailed design for the proposed secure covered cycle parking facility be submitted prior to commencement of development and the vehicular access to be formed in accordance with Perth & Kinross Council's Road Development Guide.
37. **Environmental Health (Noise Odour)** – No objection. Conditions recommended to control odour, dust and noise.
38. **Development Contributions Officer** - No objection, clarifying that no contributions are required.
39. **Structures And Flooding** – No objection.
40. **Biodiversity/Tree Officer** – No objection, subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.

41. **Conservation Team** – No objection.
42. **Environmental Health (Contaminated Land)** – No objection. Condition recommended to deal with potential contamination on site.

Representations

43. A total of three letters of representation have been received in respect of the current application and one late comment. The main issues raised within the representations are:
- Road Safety Concerns/Traffic Congestion
 - Water Supply
 - Visual Amenity
 - Flood Risk
 - Inappropriate Land Use
 - Noise Pollution
 - Over Intensive Development
 - Dust and Odour
 - Tree Loss
44. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	Undertaken-Not EIA development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations: AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Flood Risk Assessment • Landscape and Visual Context Plan • Ecology Survey/Bat Survey • Dust Emissions Report • Tree Survey Report • Noise Report

APPRAISAL

45. 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, namely Placemaking Supplementary Guidance March 2020

46. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

47. The proposed development is located on a redundant poultry farm in a rural location approximately 3km South-East of the village of Muthill. Due to its former use as a poultry farm, the principle is already established. The site is surrounded by farmland and trees, offering a level of seclusion and screening and the nearest residential property, out with the applicant's ownership, is approximately 330m away. Due to the nature of the process involved in the production of eggs, the proposed development requires to be in an isolated location. LDP2 Policy 8 Rural Business and Diversification provides support for the creation of new business in rural areas and sites out-with settlement boundaries may be acceptable if they are related to a specific resource opportunity.
48. The development requires to be in an isolated location, however, within close proximity to the transport network. As such the location of the proposed development accords with the objectives of the Local Development Plan providing that the detail 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 traffic implications, landscape and visual impact of the proposal and impact on neighbouring amenity such as odour and noise.

Design and Layout

49. 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. As noted above, the proposed buildings will measure approximately 73m by 18.5m to a height of 5m and will be linked to each other by covered walkways. The poultry buildings will be steel framed with roof and side walls clad in 40mm composite insulated panels, coloured Juniper Green. Additional equipment will include feed stores, an emergency generator, water tanks, LPG tanks and a staff amenity and egg storage building.
50. The existing three buildings on site will be removed and replaced with four buildings which will extend out with the existing site area to the north, over an existing forestry track and agricultural land. To accommodate the buildings, it is proposed to re-route the existing forestry track which will require the removal of an existing hedgerow. The re-routing of the forestry track will be subject of a separate application.

51. The proposed buildings are described by the applicant as “state of the art”, designed to take account of energy saving. High levels of insulation, computer controlled ventilation, energy efficient heating and lighting systems all form part of the design. Their height, colour and materials relate well to the surrounding character of the rural environment. The proposal therefore complies with LDP2 Policy 1 – Placemaking.

Landscape Character and Visual Impact

52. The supporting Planning Statement implies that the landscape impacts of the development would be of minor significance. Moreso the proposed developments seeks to improve the existing quality of the immediate landscape through the removal of the derelict structures and use of muted colours, which are more sympathetic to the natural surroundings.
53. The proposed design and building height within this rural, secluded location respects the site’s topography and skyline as well as the wider landscape character of the area. The poultry buildings are low linear structures, coloured in green to help integrate them into their surroundings. Applying LDP2 Policies 1 and 8, the proposed development is in compliance.
54. In terms of Policy 40 of LDP2, the Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. Compensatory tree planting is required on a ratio of 1:3 for every tree loss as outlined in the PKC Planning for Nature Supplementary Guidance [Planning Guidance - Planning & Biodiversity - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/planning-guidance-planning-biodiversity-perth-kinross-council). The submitted Landscaping Plan provides this detail and the predominantly native species mix is welcomed.
55. The proposed new native hedgerow will compensate for the loss of 120m of hawthorn hedge which cannot be avoided.
56. Applying LDP2 Policies 1, 8 and 40, the proposed development is in compliance, subject to conditions 12 and 13.
57. Furthermore, as noted above, the Council’s Biodiversity Officer has no objections subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.

Residential Amenity

58. The application contains the provision for poultry sheds with a capacity of 16,000 birds. This falls out with the 40,000 poultry threshold for the requirement of Pollution Prevention and Control permit from SEPA. As the proposal is below the PPC (Pollution Prevention Control) threshold, SEPA have no remit in relation to odour, noise or air quality and as such no permit is required. An application such as this, however, has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The site, however, is relatively

isolated with the closest residential property over 300m away (Ladystone Cottage).

Noise

59. A Noise Impact Assessment (NIA) has been submitted by the applicant. The NIA assess the potential impact of noise from the operations of the poultry farm on nearby receptors. Environmental Health (EH) colleagues have been consulted and assessed the potential impact of the proposed development on residential properties in the area and made the following comments.
60. The main source of noise will be from the ventilation fans and although the exact model was not confirmed at the time of the NIA, the extractor fans have the potential to run twenty four hours a day.
61. The other source is from traffic associated with the development and lorry movements will average 33 per 12 month cycle. Egg collection will average 68 per 12 month cycle and deliveries will be 2 per month for feed and fuel.
62. The closest third party residential property, Ladystone Cottage, to the poultry sheds is approximately 330m away. The existing farmhouse is approximately 54m away and will be the residential dwellinghouse for the farm manager.
63. The NIA concluded that there will be a degree of impact on the farmhouse, however, the impact will not be significant. The NIA recommended that as good practice and site management, a noise management plan should be implemented and followed on farm to cover all activities. As a consequence Environmental Health have recommended noise conditions be attached to any consent in the unlikely event that noise should ever become an issue. Additionally, Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of noise.

Dust

64. A dust assessment report has been submitted by the applicant which has been reviewed by the Council's Environmental Health Team. The report concluded that due to the features of the site and the small number of birds the impact on nearby properties, as a result of the poultry farm, is negligible. The report recommends that as good practices and site management, a dust management plan shall be implemented covering all activities associated with the operations of the poultry farm. Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of dust.

Odour

65. The applicant has submitted an odour assessment which has been reviewed by the Council's Environmental Health Team. The report concluded that properties are predicted not to detect odours from the proposed development during the

normal operation of the poultry farm. The report recommends that as good practices and site management, an odour management plan shall be implemented covering all activities associated with the operations of the poultry farm. Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of odour.

66. Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and odour on residential properties (Conditions 3 – 8). The proposal is therefore considered to comply with LDP2 Policy 56, with no unacceptable impact on the amenity of residential properties.

Contamination

67. The proposed development is on land that was formerly used for poultry farming activities. PKC's contaminated land team were consulted on the proposal and advised that given this former use, historical site investigations and current submitted reports there is the potential for associated contamination. It is therefore necessary to undertake intrusive investigations to assess the potential risk to all potential receptors. Subject to planning condition, the proposal complies with LDP2 Policy 58A (Condition 2).

Roads and Access

68. LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Concerns have been expressed in the letters of representation in respect to road safety concerns and traffic congestion.
69. The Supporting Planning Statement submitted with the application identified both construction and operational traffic movements to and from the site. This has been reviewed by Transport Planning colleagues.
70. The site benefits from an existing access directly from the C458 public road network approximately 40 metres south of the junction with the C457.
71. The applicant has detailed the predicted level of traffic journeys to and from the site throughout the year. The large majority of vehicle movements to and from the site, will be commuting trips with approximately 11 trips to and from the site on a daily basis. There will also be a number of HGV movements associated with normal operations including the delivery of feed, fuel, poultry lorries and egg collection lorries which all average out to be 12-13 HGVs per month visiting the site under normal operations. During the clean out period is anticipated that agricultural vehicles and trailers, including slurry tankers will be used for the removal of poultry litter and wastewater.
72. During the construction phase it is anticipated that the following vehicles will access the site:

- 48 artic lorry deliveries over the course of the construction phase.
 - Approximately 80 concrete delivery loads per building – these will be the most frequent vehicle movements to the site and take place over a seven-week period. These seven-week delivery periods will occur four times over the construction period duration (four poultry buildings on site).
 - All other vehicle movements will be small vans/two axle lorries.
73. The application site is located in a rural area where public transport is infrequent. The applicant, however, has advised that they would ideally like to recruit from the local area, as detailed in Section 2.5 of the Supporting Information. As there is a desire to employ local people for the jobs at the site, there is an opportunity for them to be within a distance that they could cycle to the site. As a result, it is recommended that secure covered cycle parking is provided for any staff who may want to cycle to the site.
74. The applicant is proposing to install a number of car parking spaces within the site, with 13 standard parking bays and one disabled parking bay. The applicant is creating a number of turning areas within the site, which will mean that vehicles will be able to access and egress in a forward facing gear.
75. The Council's Transport Planning Team is content that the proposed vehicular movement is a reasonable appraisal of the traffic impact of the proposal at both construction and operational stage. They will, however, require the existing access to be reformed to meet their standards and have recommended a construction traffic management plan will be required due to the number of narrow roads, on approach to the site, so that the construction traffic can be directed along appropriate roads. This will be controlled by condition.
76. In terms of the proposed relocated forest track as noted on the drawings, progressing with this application for the poultry sheds does not mean that the changes proposed to the forest track will be granted through the planning process. It will require the submission of a separate application.
77. The proposals are considered to be in accordance with LDP2 Policy 60, subject to conditions (conditions 9-11).

Drainage and Flooding

78. The proposed development lies partly within the functional floodplain of the Machany Water, as shown by the SEPA flood mapping. The applicant has submitted a Flood Risk Assessment (FRA) in support of the application and has included detailed hydraulic modelling. The applicant states in the FRA checklist that the proposed development is not within the functional floodplain. This has been reviewed by the Council's Flood Team and SEPA, who noted that the model has not been run for the 200-year event without a climate change allowance. This was raised with the applicant's agent and an updated FRA was provided to include this event which demonstrated that no development would be undertaken within the functional floodplain. As such, no objections were received.

Water Supply

79. Concerns have been raised in the letters of representation regarding potential reduction in the water supply as a result of the proposed development. In terms of the supply to the site, it is mains connected and Scottish Water have confirmed there is sufficient capacity in the Turret Water Treatment Works. It is an existing poultry site so there is existing infrastructure which will be used where possible. The applicant has confirmed best practice and steps to minimise water use such as non-leaking drinking systems e.g. nipple drinkers will be used on site as part of the daily operation. They propose to install storage tanks within sheds where there will be 24 hours of water provided. These will provide a backup supply and can be filled at times of low demand.

Natural Heritage and Biodiversity

80. LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. An Ecological Report was submitted with the application, which was subsequently reviewed by PKC's Biodiversity Officer.

The Ecological Report was not considered adequate insofar as it did not detail the impact of this proposed development on biodiversity and did not set out the required mitigation and compensation measures. Nor did the report contain recommendations for further survey requirements. No evidence was provided that the mitigation hierarchy had been followed and therefore it was not possible to quantify the impact of this proposed development on biodiversity as required by Policy 41. As a consequence, an updated Ecology Report was submitted and reviewed by PKC's Biodiversity Officer which was considered to be sufficient with evidence the mitigation hierarchy has been followed.

81. The site itself is brownfield, with various previously developed areas, including hardstanding, with otherwise rough grassland and some scrub. The submitted Ecology Report notes the presence of otter spraints on the watercourse within the site. Due to this, mitigation measures are required to ensure otters will not be disturbed during the construction and operation of the proposed development.
82. The submitted Ecology Report notes presence of Japanese knotweed but no details on how these will be controlled or eradicated has been provided. An Invasive Non-Native Species Control Plan is required.
83. The submitted Bat Survey Report (27 June 2022) is in accordance with published best practice. The buildings are assessed as moderate but during dusk and dawn surveys undertaken in June 2022, no evidence of bat roosts was observed.
84. It is accepted that, subject to planning conditions, the proposal complies with LDP2 Policy 41 (Conditions 14 - 18).

Agricultural Land

85. The site is identified as Class 3.1 prime agricultural land which is capable of producing a moderate range of crops such as barley, oats and grass. The majority of the proposed development is within the footprint of the existing poultry farm, however, it is proposed to extend the site to the north. Some of which is taken up by an existing farm track. It is proposed to form a new access onto the C457 public road and re-route the farm access around the extended site, however, this will be subject of a separate application.
86. In terms of the extended site, the area of agricultural land measures approximately 7,500sqm. As noted above, some of which is an existing access track. A large proportion of the extended site will incorporate a poultry building, suds pond and hardstanding.
87. Policy 50 sets out that development out-with settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land.

It further specifies that small scale development directly linked to rural business may be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and it does not adversely affect the viability of the agricultural unit.

88. All land surrounding the site is identified as Class 3.1 prime agricultural land, therefore, there is no other suitable non-prime land adjoining the site which could be considered as an alternative extension to the site chosen. The reasons for selecting the location are clearly set out in supporting documents and considered reasonable. The area of prime land proposed for development is considered small scale when compared to the extent of remaining prime land available in this location.
89. Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development and as such complies with policy 50 of LDP2.

Developer Contributions

90. The proposed site is located out with any area where financial contributions towards roads infrastructure is required. As such, the Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

91. This development will create up to 20 direct employees and there will be a significant number of downstream economic opportunities associated in terms of the construction period and secondly employment in haulage and the

agricultural supply chain. As such the impact of the proposal on the rural economy at this location is considered to be significantly positive.

LEGAL AGREEMENTS

92. None required.

DIRECTION BY SCOTTISH MINISTERS

93. 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

94. 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.
95. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

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.

Contamination

2. 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 – In order to deal with any potential contamination of the site as a result of its former use.

Residential Amenity

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 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 order to safeguard the residential amenity of the area.

4. Should any aspect of the development result in verified noise complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for a Noise Impact Assessment by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter any agreed mitigation measures shall be implemented to ameliorate the nuisance.

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

5. The poultry buildings shall not be occupied (or otherwise become operational) until an operational plan for the management and control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

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

6. No deliveries or uplifting shall take place between the hours of 11.00pm and 6.30am on any day.

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

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

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

8. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Operational Management Plan must be submitted to the council within a specified agreed timescale.

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

Roads and Access

9. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a minimum distance of 15 metres from the edge of the carriageway.

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

10. Prior to commencement of any development on site, a detailed design for the proposed secure covered cycle parking facility for a minimum of 6 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

11. 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 (CTMS) 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) monitoring, reporting and implementation arrangements;
- (n) arrangements for dealing with non-compliance; and
- (o) 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.

Landscape

12. The detailed landscaping and planting scheme 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, 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.

13. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species, and number.

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

Biodiversity

14. The conclusions and recommended action points within the supporting ecology surveys submitted and hereby approved (drawing numbers 22/00102/29 and 22/00102/30) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

15. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

16. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

17. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end

of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

18. Lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

96. 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. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
6. 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.

7. 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.

8. 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.
9. 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.

10. 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.
11. 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.

Background Papers: 3 letters of representation
Contact Officer: Gillian Peebles
Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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

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