

Perth and Kinross Council
Planning and Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
(Report No. 22/285)

PROPOSAL: Formation of road widening and drainage works associated with 21/01968/FLM (works to A9 trunk road)

LOCATION: Land at A9(T) and Shinafoot Road (B8062), Auchterarder

Ref. No: [22/00546/FLL](#)
Ward No: P7 – Strathallan

Summary

This report recommends conditional approval of the application, which proposes road widening and drainage works which, although considered on their own merits, are effectively associated with Planning Application 21/01968/FLM, which is presented elsewhere on the agenda for this meeting of the Planning & Placemaking Committee. 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 The application site is c.0.82 hectares (ha) in area, situated at Shinafoot, located 1.2 kilometres (km) north-east of Auchterarder. The wider landscape type is 'broad valley lowlands'. The proposal is related to a wider roadworks scheme, including a proposed new southbound off slip road and other related works as set out in planning application 21/01968/FLM and planning permission 22/00724/FLL. These overall works extend to around 4.4ha including 3.3ha of mainly semi natural / mixed woodland adjacent to the existing A9 Trunk Road (A9). The Ochils Special Landscape Area boundary is located approximately 0.5 kilometres (km) east and the Ochil Range Site of Special Scientific Interest (SSSI) 1km to the south-east.
- 2 The development proposed comprises drainage works and road widening along the B8062 Shinafoot Road between Ruthven Water Bridge and the A9 Trunk Road, forming part of the aforementioned wider roadworks scheme being reported to Committee elsewhere on this agenda. The requirement for these works became apparent during the processing of application 21/01968/FLM and could not be accommodated as part of that submission. To address this, rather than withdraw and expand the proposals into a single 'Major' application, the applicant has chosen to incorporate them through this further 'Local' application. As noted, application 21/01968/FLM is reported elsewhere on this Agenda and sets out in more detail the full extent of the roads works scheme proposed.

Environmental Impact Assessment

- 3 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.
- 4 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.
- 5 An EIA screening has previously been undertaken by the Planning Authority (reference 21/00206/SCRN) in connection with major application 21/01968/FLM, 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, ecology, traffic and transport were required and submitted in support of this application as well as the major application.

Pre Application Consultation

- 6 The proposed development is not a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to scale and size of the application area. The applicant was therefore not required to undertake formal pre-application consultation with the local community. However, formal public consultation has been undertaken in respect of the overall roadworks scheme, specifically related to application 21/01968/FLM.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 9 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.

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

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 270 - 291

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 66 Trunk Road planning applications best practise guidance.
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 1/2011/: Planning and Noise
- PAN 3/2010 Community Engagement

National Roads Development Guide 2014

12 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

13 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

14 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 plan's 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.”

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

- Policy 2 Shaping Better Quality Places
- Policy 6 Developer Contributions
- Policy 8 Green Networks
- Policy 10 Connecting People, Place and Markets

Perth and Kinross Local Development Plan 2

- 16 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 17 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 23 Delivery of Development Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- 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 60B: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 18 The relevant Supplementary Guidance are,

- Supplementary Guidance: Air Quality, February 2020
- Supplementary Guidance: Developer Contributions and Affordable Housing, April 2020
- Supplementary Guidance: Flood Risk and Flood Risk Assessments, March 2021

- Supplementary Guidance: Forest & Woodland Strategy, February 2020
- Supplementary Guidance: Landscape (February 2020)
- Supplementary Guidance: Placemaking (February 2020)
- Supplementary Guidance: Planning for Nature – Development Management and Wildlife Guide, April 2022

Auchterarder Expansion Townhead & North East Development Framework

- 19 A need for improved access to the A9 trunk road north and south of the settlement is identified in the Local Development Plan 2, forming part of the Auchterarder Settlement summary description. As part of this development of a new trunk road junction at Loaninghead south of Auchterarder is complete. However, a trunk road junction north of the settlement is also needed as the planned expansion of the settlement continues beyond the identified threshold, to address safety issues. A specific location for the new junction was not identified on the Local Development Plan proposals map, however the Plan highlights that Shinafoot is planned.
- 20 Within the Development Framework, Trunk Road junction improvements at Shinafoot are identified as a requirement for full development of the Auchterarder Development Framework sites. The detail as to what works are required and why is set out and can be summarised as follows:
 - The development framework reports Transport Scotland's requirements for the junction improvements as set out at that time. The improvements proposed to address safety issues and not operational capacity restrictions. Transport Scotland describe the type and location of the required trunk road junction at Shinafoot, "*...the new Interchange at Shinafoot would include the provision of southbound on and off slips and would utilise the existing Shinafoot Road underpass below the A9 to accommodate the grade separated crossing of the A9 from the southbound carriageway.*"
 - The Development Framework also notes that Transport Scotland suggest staging of the trunk road improvements as development progresses.
 - A modest development of 50 residential units would be acceptable without junction improvements.
 - The Loaninghead improvement (permitting the closure of the central reserve gap at Auchterarder South) should be implemented first, followed by Shinafoot (permitting the closure of the gap at Aberuthven)
 - The full Masterplan development at Auchterarder would require the provision of both Loaninghead and Shinafoot Junction Improvements.
 - Detailed assessment would be required to establish an acceptable intervening level of development that could be accommodated with the Loaninghead Improvement
 - The Development Framework included the figure of up to 350 dwellings could be accommodated with the Loaninghead junction improvement.

Site History of Relevance

- 21 [08/01133/IPM](#) Planning Permission was granted on 31 October 2013 for Residential and Class 4 (Business), Class 5 (General Industry) & Class 6

(storage and distribution) development (in principle) on Land at Castlemains and Kirkton, Auchterarder.

- 22 [21/00206/SCRN](#) A Screening Opinion was issued by the Planning Authority for the construction of a new southbound diverge slip road on the A9 connecting Shinafoot Road (B 8602) with a simple priority junction including landscaping, drainage and associated works on 1 April 2021.
- 23 [21/00008/PAN](#) A Proposal of Application Notice related to the formation of an A9 slip road and junction with the B8062 and other road infrastructure including landscaping, drainage and associated works, was submitted and PKC, with a response issued on 1 June 2021.
- 24 [21/01968/FLM](#) A 'Major' application reported elsewhere on the Agenda of this Committee proposes the formation of an A9 slip road and junction including road widening, landscaping, drainage works as well as the erection of a replacement bridge.
- 25 [22/00724/FLL](#) Planning Permission was granted on 13 July 2022 for the formation of a layby and associated works associated with 21/01968/FLM (works to A9 trunk road) on Land at A9(T) and Shinafoot Road (B8062) Auchterarder.

CONSULTATIONS

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

External

- 27 **Transport Scotland: (TS)** No objection or further commentary provided.
- 28 **Auchterarder and District Community Council (ADCC):** No objection. Comment is made raising concerns that the development does not accord with a Section 75 relative to residential development previously approved within Auchterarder. Further concerns are raised relative to road safety and traffic flow management.
- 29 **Scottish Environment Protection Agency (SEPA):** A single response has been provided in respect of this and the linked 'Major' application (Ref: 21/01968/FLM). No objection is raised to either, subject to a condition requiring the narrowing of the upstream face of the Ruthven Water replacement road bridge by 1.15m, in accordance with the Flood Risk Assessment (FRA) submitted. Also confirm that a CAR Licence is required for all proposed works.
- 30 **Scottish Water (SW):** No comments.

Internal

- 31 **Structures and Flooding (S&F):** No comments.
- 32 **Biodiversity/Tree Officer:** No comments.

- 33 **Transportation and Development Team (TP):** No objection, owing to the scale of development proposed. Informatives are noted relative to the need to obtain Road Authority Consent and approvals to carry out works within the public road.

REPRESENTATIONS

- 34 7 objections have been received. The main issues raised are:

- Visual impacts
- Noise from construction and traffic
- Traffic and road safety Impacts
- Air pollution from construction and road traffic
- Flooding
- Failure to correctly identify property boundaries

- 35 With the exception of the final matter relating to property boundaries (which is not a material planning consideration), these issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

36

Screening Opinion	No EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal – Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Ecological Impact Report • Landscape and Visual Assessment • Planning Statements 1 and 2, Including Design Report – A9 Shinafoot Junction (February 2020) • Drainage Impact Assessment • Noise and Vibration Impact Assessment • Air Quality Impact Assessment Report • Flood Risk Assessment

APPRAISAL

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

Principle

- 38 The location is a peripheral rural area outside Auchterarder and adjacent/close to the A9, LDP2 policy considerations in assessing its suitability in principle are Policies 1A and 1B: Placemaking; Policy 23: Delivery of Development Sites; Policies 39-41: Landscape, Trees and Woodland and Biodiversity; Policy 53: Water Environment and Drainage; and Policy 60B: Transport Standards and Accessibility – New Development Proposals. Furthermore, and a significant material consideration in the assessment of this application is the previous approval of outline planning permission 08/01133/OUT and the Section 75 Legal Agreement requirement to secure a southbound on and off slip roads from the A9 Trunk Road at this location, thereby enabling further development associated to that planning permission within Auchterarder.
- 39 Matters relating to the existing Section 75 agreement are not discussed in any detail within this report as they will be considered in the assessment of application 21/01968/FLM. This reflects that this application proposes limited works in the wider scheme and is being considered concurrently to the ‘Major’ application. The principle of support for this application is in no way connected with any recommendation related to ‘Major’ application (21/01968/FLM) which is presented elsewhere on the Agenda for this Committee (23 November 2022). This application must be considered in isolation to the “Major” application as the extent of works and any impacts are specific to a small area of road widening and drainage works only. Furthermore, it should be noted that this application is only ever likely to be implemented if that larger scheme was undertaken.

Design and Layout

- 40 The design and layout of works essentially reflects the physical and engineering requirements associated to the road widening and associated drainage works proposed, with infrastructure details consistent with industry standards. In physical terms, it is anticipated that the work set out in this application would only be undertaken if application 21/01968/FLM was approved, with both proposals implemented as a single project.
- 41 A Landscape and Visual Impact assessment supports the application and concludes that although earthworks, cut slopes, embankments and the associated introduction of swales and water attenuation features are noted landform changes they are similar to those within the existing road corridor and therefore not out of place. Overall, wider landscape character and would remain largely unchanged with any built aspects having limited influence in a wider context. As such landscape impacts are not considered unacceptable. In the context of this application the works predominantly relate to those undertaken on the B8062 Shinafoot Road which are of significantly less scale than those set out in 21/01968/FLM.

Landscape

- 42 Safeguarding and enhancing landscape character and green infrastructure is required to be considered via LDP2 Policies 1 and 33. In this instance, as said above, the proposed utilitarian design is largely set, thus some landscape and visual impact is inevitable. A full landscape assessment will be discussed within

the report associated to application 21/01968/FLM and this is not replicated in detail within this report. As noted above, a landscape and visual impact assessment has been carried out which concludes that any impacts are considered negligible. Therefore, subject to conditions requiring the provision of a Construction Environmental Management Plan (CEMP) and the adoption of mitigation set out within the Ecological Impact Assessment Report the impacts to landscape are considered acceptable (Conditions 8 and 9).

- 43 Subject to landscape conditions the development is considered to accord with policies 39 and 40 of the LDP2.

Residential Amenity

- 44 Matters pertaining to Noise, Dust, Air Quality and Vibration which would arise both during construction and once the new junction is open are considered by policies 56 and 57 of the LDP2. The submitted Air Quality Impact Assessment Report and Noise and Vibration Assessment associated with the major application have been reviewed by EH. Those properties most impacted by the proposed development are those adjoining or accessing directly off the B8062 Shinafoot Road, including a caravan park directly downstream of the Ruthven Water Bridge. There are also properties located in direct proximity to the north-west and south-east of Shinafoot Road as well as an existing caravan park.
- 45 Environmental Health have raised no objections or concerns in relation to impacts on residential amenity, subject to their recommended conditions. (Conditions 3-7).

Roads and Access

- 46 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. In this case public objections have raised concerns over potential impacts on traffic and road safety as a result of the development.
- 47 Whilst some of the representations received reflect road safety and traffic volume impacts related to the wider roadworks scheme, other concerns are raised by immediate local residents that the widening of the road will bring noise and dust impacts from traffic closer to their homes. Whilst such impacts have the potential to cause increased impact, they are considered relatively minor and can be addressed through conditions. Any ongoing impacts from the subsequent use of the new local road have been considered in the aforementioned report on the major application. By way of summary the LDP2 sets out a need for improved access to the A9 (within the Auchterarder settlement summary), and the principle of new junctions north and south of the town are set out as part of the proposals for Auchterarder. A trunk road junction north of Auchterarder is also needed as the planned expansion of the settlement continues, to address safety issues. A specific location for the new junction is not identified on the Local Development Plan proposals map, however LDP2 highlights that Shinafoot is its planned location. In this case the principle of road widening and improved connection with the A9 at this location utilising Shinafoot Road has largely been agreed and as such any localised

impacts, subject to conditions to avoid or mitigate them, are therefore considered acceptable.

- 48 Subject to compliance with conditions 9 (Construction Environmental Management Plan), 10 (Construction Traffic Management Plan) and Condition 11 (requiring a final design review, to ensure works are undertaken in accordance with the approved details) the proposal is considered in accordance with Policy 60B of LDP2.

Drainage and Flooding

- 49 Policies 52 and 53 of the LDP2, require development to appropriately consider flooding and drainage. In this regard the application has been reviewed by both SEPA and the Council's Structures and Flooding Team and neither raise objections.
- 50 Works are proposed to proceed in accordance with best practise and recommended Condition 12 will provide the opportunity to confirm and agree the design specifications for the works.

Natural Heritage and Biodiversity

- 51 LDP2 Policy 41 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the wider Landscape Masterplan for the overall development scheme includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy. Given the scale and extent of the proposed road widening by this application no specific biodiversity or landscape matters are raised. Overall, in landscape terms, subject to conditions 7 - 9 and compliance with the action points noted in the Ecological Impact Assessment Report, dated 24 June 2022, the proposal is considered to accord with policy 41 of the LDP2.

Developer Contributions

- 52 Development contributions are not applicable to this application but have been considered in respect of the application 21/01968/FLM.

Economic Impact

- 53 In the short term, construction will create jobs with scope for local employment, in the operational period local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of enabling new development whilst promoting investment within the Perth and Kinross area. This development proposal should be viewed as part of delivering traffic obligations required to enable further housing development within Auchterarder and as such there are considered to be longer term economic opportunities.

VARIATION OF APPLICATION UNDER SECTION 32A

- 54 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate minor amendments to the submitted landscape design.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 55 The development in isolation is not required to be subject to any legal agreements but is seeking to partially implement transport obligations agreed via a previous Section 75 legal agreement (reference Planning Permission 08/01133/OUT). This is discussed in more detail as part of planning application report 21/01968/FLM.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 56 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.
- 57 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

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.

2. 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)).

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

Noise

3. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

4. Prior to the commencement of development hereby approved, the developer shall submit a detailed scheme and specification for the proposed mitigation acoustic barriers on the B8062 to ensure a 10db reduction as outlined in the Noise and Vibration Assessment Report 2060467.RSK-001-(00) dated 14 March 2022 undertaken by RSK Environmental Ltd for the written approval of the planning authority. Thereafter the approved scheme for the acoustic barriers shall be installed to the satisfaction of the planning authority prior to the operation of the Shinafoot Junction.

Reason - In the interests of residential amenity and avoiding adverse direct impacts on those properties adjoining the B8062 local road.

5. The Best Practical Means Control Measures outlined in Section 5.3 of the hereby approved Noise and Vibration Assessment Report 2060467RSK001-(001) dated 14 March 2022 undertaken by RSK Environmental Ltd (Plan reference 21/01968/), shall be implemented prior to the hereby approved development being brought into use.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 3 - 5. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 4 and 5 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

Dust

7. Prior to the commencement of the development hereby approved a Dust Management Plan (DMP) shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Environmental Health. The DMP shall be adhered to throughout the construction stage of the development

and shall be reviewed by the applicant on request of the Planning Authority or Environmental Health.

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

Biodiversity

8. The mitigation and compensation strategy recommended action points within the hereby approved Ecological Impact Assessment Report, prepared by Eco North Ecological Consultants – dated 24 June 2022 shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

9. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Statement (DMS), a Dust management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Transport Scotland and the Council's Biodiversity Officer.

The Construction Environment Management Plan (CEMP) approved via condition 8 shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason - In the interest of protecting environmental quality and to mitigate the adverse impact of development on the local environment.

Traffic and Transport

10. Two months prior to the commencement of works on the development hereby approved, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan (CTMP) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;

- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of vehicle and pedestrian safety.

11. At least two months prior to the commencement of works to upgrade the B8062, including any works to the bridge over Ruthven Water, the developer shall submit all final road construction drawings and any engineering specifications pertaining to these works to the Planning Authority, in consultation with the Roads Authority, for written approval. No development shall commence until the prior written approval and agreement has been obtained. Prior to the opening or public use of the new southbound A9 diverge slip hereby approved, all road infrastructure upgrade works to the B8062, including the promoting of any amendments to the existing traffic regulation orders, shall be complete to a design & specification to the satisfaction of Perth and Kinross Council as Planning Authority and in consultation with the Roads Authority.

Reason - In the interests of road safety and to ensure that the works meet the necessary engineering standards for road construction.

12. The upstream splayed span of the Replacement Ruthven Water Road Bridge hereby approved, shall be reduced by 1.15 metres in accordance with the submitted Flood Risk Assessment prepared by Fairhurst, dated 14th March 2022. At least two months prior to the commencement of works to replace the bridge the finalised bridge design shall be submitted to the Council as Planning Authority, in consultation with the Roads Authority for agreement and written approval in accordance with condition 11. No development shall commence until the prior written approval and agreement has been obtained.

Reason - To ensure the development has no significant negative flood impacts and proceeds in accordance with the flood risk assessment submitted.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. 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.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000
4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should

be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey will be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
7. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
8. The applicant should be informed that the granting of planning permission does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
9. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
10. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
11. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
12. An application for Building Warrant may be required.
13. 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.

Background Papers: 7 letters of representation
Contact Officer: Jamie Torrance
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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

You can also send us a text message on 07824 498145.
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All Council Services can offer a telephone translation facility.
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