

Perth and Kinross Council  
Planning & Development Management Committee – 11 March 2020  
Report of Handling by Head of Planning & Development (Report No. 20/61)

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 13 (construction deliveries) of planning permission 15/01808/FLM (formation of park and ride facility, access road, landscaping and associated works)

**LOCATION:** Land at Nether Lairwell, Perth

Ref. No: [18/02232/FLM](#)

Ward No: P1 - Carse Of Gowrie

**Summary**

This report recommends approval of an application made under Section 42 of the Planning Act to amend a planning condition attached to a detailed planning permission for a new park and ride facility at Nether Lairwell, Kinfauns as the development would remain consistent with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Detailed planning permission was granted in 2015 for a new Park and Ride facility (and associated works) on an allocated site at Nether Lairwell, Kinfauns (Ref: 15/01808/FLM). This current planning application seeks to vary a condition which was attached to that permission. The condition related to construction delivery timescales, reading as follows:-  
*"All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs only and at no other times".*
- 2 The applicant has indicated that they wish the condition to be amended to read,  
  
*"All deliveries to the construction site shall be restricted to Monday to Friday 07:00 to 19:00 hrs, and Saturday 08:00 to 13:00hrs and at no other times".*
- 3 The reason for this amendment is to align the terms of this condition with the timescales associated with Condition 14 of the 2015 planning permission, which permits some Saturday construction activities to take place.
- 4 Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous planning permission was granted. Section 42 of the Act stipulates

that in this type of application *“the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted”*. Nevertheless, it is the case that a permission relating to an application made under Section 42 is considered to be a new permission in its own right, and the need to impose other relevant conditions / advisory notes on the decision notice remains. It should be noted that whilst the expiry date for the development to commence has passed in relation to the 2015 permission, as this planning application was made before that date, it remains competent to consider determine this planning application as submitted i.e. as a Section 42 application.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5 The proposed Park and Ride Facility and its associated works are considered to be EIA development, and a full and comprehensive EIA was submitted in relation to the 2015 planning permission. As there has been limited change in the site’s physical characteristics or the onsite/surrounding environmental position since 2015, it was not considered necessary to revisit the content and recommendations of the 2015 EIA. Nevertheless, an addendum was submitted by the applicant which considers the potential new impacts by the proposed amendment to the original permission, and this document should be read in conjunction with the 2015 EIA. The planning application has also been advertised and consulted upon under the EIA regulations.

## **PRE-APPLICATION CONSULTATION (PAC)**

- 6 Whilst the development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 removes the requirement for Pre-application Consultation for Section 42 applications made on, or after the 3 February 2013. Consequently, there is no requirement for a PAC.

## **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. In relation to this planning application and the amendment to condition 13, there are no national planning policies or guidance which are directly relevant to this proposal.

## **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 2019.

## **TAYPlan Strategic Development Plan 2016-2036**

- 9 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.”*

- 10 There are no TAYplan policies which are specifically relevant to this application.

## **Perth and Kinross Local Development Plan 2 (2019)**

- 11 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 Within the LDP2, the Park and Ride facility has been identified as Site RT1, a Park & Ride facility within the settlement boundary (of Kinfauns) to support sustainable travel into Perth City Centre. In terms of the specific nature of the amendment to condition 13, the following policies would be directly applicable;
- Policy 17: Residential Amenity
  - Policy 56: Noise Pollution

## **OTHER COUNCIL POLICIES**

- 13 None applicable to this application.

## **SITE HISTORY**

- 14 [15/01808/FLM](#) - Detailed planning permission for the formation of park and ride facility, access road, landscaping and associated works. Application approved 2016.

## **CONSULTATIONS**

- 15 As part of the planning application process and the EIA consultation process, the following bodies were consulted:

### **External**

- 16 **Scottish Water** - No objection to the proposal.

- 17 **Scottish Environment Protection Agency** - No objection to the proposal.
- 18 **Scottish Natural Heritage** - No specific comment to make on the proposal. They have indicated that the Council (as the competent authority) should undertake an Appropriate Assessment.
- 19 **Historic Environment Scotland** - No specific comment to make on the proposal.
- 20 **Transport Scotland** - No objection to the proposal in terms of the impact / interaction with the trunk road, providing the conditions imposed on the 2015 permission remain.
- 21 **Health and Safety Executive** - No specific comment made.
- 22 **Perth and Kinross Heritage Trust** - No specific comment made.
- 23 **West Carse Community Council** - No objection to the proposal.

#### **Internal**

- 24 **Transport Planning** - No objection to the proposal.
- 25 **Biodiversity Officer** - No objection to the proposal.
- 26 **Structures & Flooding** - No objection to the proposal.
- 27 **Environmental Health** - No objection to the proposal.

#### **REPRESENTATIONS**

- 28 No representations have been received.

#### **ADDITIONAL STATEMENTS**

29	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): EIA Report	An EIA was submitted for the 2015 permission, and this has been supplemented by an updated addendum.
	Appropriate Assessment	An updated Appropriate Assessment has been undertaken by the Council
	Design Statement / Design and Access Statement	Not Required.
	Report on Impact or Potential Impact e.g. Flood Risk Assessment	Previous reports were undertaken in relation to the 2015 permission.

## **APPRAISAL**

- 30 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 2 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### **Principle**

- 31 The applicant proposes to amend condition 13 (construction deliveries) of the permission to align it with condition 14 of the 2015 permission to allow for Saturday construction deliveries to take place between 08:00 and 13:00. Condition 14 allows for Saturday onsite construction activities to take place, so the proposed change in condition 13 raises no significant issues and simply allows the terms of the two separate timing conditions to be aligned to one another. It would also allow for what is considered standard good practice for construction sites to occur i.e. weekend working restricted to early Saturday only. In addition, the amendment would allow for greater flexibility for the delivery of the project which could reduce the timescales for construction.
- 32 As Environmental Health are content with the proposed amendments from a noise perspective, the proposed amendment is in accordance with both Policies 17 and 56 of the LDP2 which seek to protect residential areas from noise generating sources.

### **Residential Amenity**

- 33 The principal issue for this planning application is whether the principle of construction deliveries take place alongside onsite construction activities is acceptable. The exact construction programme and timescale is yet to be finalised and will not be available until such time that a preferred contractor has been appointed, however it is very unlikely that both construction deliveries, and on-site activities would take place every Saturday during the construction phase. The primary aim of this amendment is to allow for some flexibility in construction delivery times. In any event, the construction phase of the development would remain bound by industry standards, and the impact on existing residential amenity should not be of a level which is unacceptable, and this view is shared by Environmental Health. It will also be the case that traffic management plans will be in operation throughout the construction phase, which will minimise disruption to both the local road network and close residential properties - not only on Saturdays but for the full duration of the construction phase.
- 34 The additional impact on residential amenity as a direct result of this amendment is therefore considered to be minimal.

### **Landscape**

- 35 There will be no additional impact on the landscape character of the area as a direct result of the amendment to condition 13.

### **Visual Amenity**

- 36 There will be no additional impact on the visual amenity of the area as a direct result of the amendment to condition 13.

### **Drainage and Flooding**

- 37 There will be no additional impact on drainage or flooding matters as a direct result of the amendment to condition 13.

### **Cultural Heritage / Archaeology**

- 38 There will be no additional impact on cultural heritage issues as a direct result of the amendment to condition 13.

### **Waste Collection**

- 39 There will be no additional impact on waste collection issues as a direct result of the amendment to condition 13.

### **Bio-diversity issues**

- 40 There will be no additional impact on bio-diversity matters as a direct result of the amendment to condition 13.

### **Public Access**

- 41 There will be no additional impact on public access matters as a direct result of the amendment to condition 13.

### **Impact on Air Quality**

- 42 There will be no additional impact on air quality as a direct result of the amendment to condition 13. The amendment of the condition will not result in any additional vehicular movements than those previously considered within the original EIA in terms of both the construction phase and during the operation of the facility

### **Impact on River Tay**

- 43 There will be no additional impact on the environmental interests associated with the River Tay as a direct result of the amendment to condition 13.

### **Private Water / Drainage Infrastructure**

- 44 There will be no additional impact on any existing private water/drainage infrastructure as a direct result of the amendment to condition 13.

### **Roads and Access**

- 45 As part of the wider construction phase, a traffic management plan will be required which will ensure that both the local road network and neighbouring residential properties, are not adversely affected by vehicle movements associated with the construction phase. The amendment to condition 13 is not likely to have any significant impact on the traffic movements associated with the development, but any impact is likely to result in a reduced timescale for completion.

### **Economic Impact**

- 46 The proposed amendment to the condition will have no direct impact on the local economy. The overall development will however have a positive impact on the local economy, both during construction and on completion.

### **LEGAL AGREEMENTS**

- 47 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 49 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**

- 50 To conclude, the planning application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the amendment of a condition relating to construction delivery times. Having taken account of LDP2 and other material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and therefore, as a new, standalone permission all the previous conditions from the existing permission are recommended to be re-attached.
- 51 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the planning application, subject to the following conditions**

1. The proposed development must be carried out in accordance with the 2015 Environmental Statement and Addendum, approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

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

2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Council as Planning Authority in writing, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topic areas:

- Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores
- Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off.
- Environmental Management Plan (EMP) to deal with noise, vibration and dust, on and off the site and methods of monitoring levels for each.
- Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary).

Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.

Reason - In the interest of protecting the environmental interests associated with this site.

3. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation has been submitted to and approved in writing by the Council as Planning Authority, in consultation with the Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with Perth and Kinross Heritage Trust.

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

4. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist



has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted prior to any removals to the Council as Planning Authority.

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

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

Reason - In order to protect local wildlife.

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

Reason - In order to control artificial lighting.

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

Reason - In order to promote bio-diversity.

8. Prior to the commencement of any development on site, confirmation of the timescales for all proposed landscaping / planting shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, as per the approved timescales to the satisfaction of the Council as Planning Authority. Any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

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

Reason - In order to protect existing wildlife.

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

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

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

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Inspection and written confirmation as necessary in relation to Condition 4.
- (c) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (d) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
- (e) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (f) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (g) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (h) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

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

which will provide concise details for the implementation of the CEMP for site operatives.

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

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

Reason - In the interest of proper site management

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

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

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

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

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

Reason - In the interest of protecting the AQMA.

16. Prior to the commencement of any development on site, precise details of all improvements, upgrades and re-routing of all existing public paths within and immediately adjacent to the site (including those adjacent the trunk road) shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification details of surfacing and widths, and the timescales for the works to be carried out. The approved details shall be implemented in full, within the agreed timescales.

Reason - In order to protect public access rights.

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

Reason - In order to protect public access rights.

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

Reason - In order to protect public access rights.

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

Reason - In order to protect public access rights.

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

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

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

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

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

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

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

The approved details shall thereafter be implemented in full.

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

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

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

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

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

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

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

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

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. The applicant should ensure that any existing way leaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. Detailed information regarding the private water supply, including the nature, location and

adequacy of the source, any storage tanks/pipe work and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above act and regulations.

7. The design and construction of the proposed drainage outfall under the railway must be carried out in full agreement with Network Rail. The developer should be aware that they will have to secure a wayleave agreement with Network Rail to route the outfall under the railway.
8. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).
9. If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail recommends a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
10. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height and agreed with Network Rail.
11. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
12. The developer must contact Network Rail's Asset Protection Engineers regarding the above matters, contact details below:  
  
Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4087  
E-mail - [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)
13. All necessary cost associated with the construction, supervision and safety audits relevant to the matters affecting the trunk road, including all additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be funded by the developer.

14. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the Planning Authority which is available on the Council's planning portal.
15. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
16. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
17. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.
18. The trunk road lighting at the proposed junction is inadequate and will require to be extended (or deleted altogether). Further discussions will be required with Transport Scotland's operating company regarding the necessary requirements to provide lighting on the trunk road.
19. Adequate signage should be displayed to deter motorists from accessing the park and ride facilities through The Holdings, West Kinfauns.

## **E CONTENT AND ADEQUACY OF THE ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the



project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.

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

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

- Chapter 1 – Introduction
- Chapter 2 – The Proposed Scheme
- Chapter 3 – Alternatives
- Chapter 4 – EIA Methodology
- Chapter 5 – Air Quality
- Chapter 6 – Archaeology and Heritage
- Chapter 7 – Ecology and Nature Conservation
- Chapter 8 – Hydrology, Hydrogeology and Geology
- Chapter 9 – Landscape and Visual Assessment
- Chapter 10 – Noise and Vibrations
- Chapter 11 – Traffic and Transport
- Chapter 12 – Cumulative effects
- Chapter 13 – Residual Effects
- Chapter 14 – Concluding Statement

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

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

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

Background Papers: None  
Contact Officer: Andy Baxter  
Date: 27 February 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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