

# PERTH AND KINROSS COUNCIL

Minute of hybrid meeting of Perth and Kinross Council held in the Council Chambers, 2 High Street, Perth on Wednesday 17 August 2022 at 11.30am.

Present: Provost X McDade, Depute Provost Parrott, Bailies C Ahern, A Bailey, R Brock, C McLaren and M Williamson; Councillors K Allan, H Anderson, L Barrett, P Barrett, B Brawn, S Carr, A Chan, D Cuthbert, S Donaldson, E Drysdale, J Duff, A Forbes, M Frampton, N Freshwater, K Harvey, D Illingworth, I James, N Khogali, G Laing, B Leishman, I MacPherson, I Massie, S McCole, T McEwan, J Rebbeck, C Reid, W Robertson, C Shiers, F Smith, C Stewart, G Stewart, R Watters and J Welch.

In Attendance: T Glen, Chief Executive, L Simpson (Head of Legal & Governance Services) G Fogg Legal Manager (Legal & Governance Services), B Renton Executive Director (Communities), C Mailer, Depute Director (Communities); S Devlin, Executive Director (Education and Children's Services); D Littlejohn Head of Planning & Development, K Smith, S Panton, L MacLean, J Torrance, J Pepper, Chief Officer – Health and Social Care Partnership/Chief Social Work Officer; F Robertson, L Brady, A Graham, A Clegg, A Deans, E Ritchie (Communities); K Molley, S Hendry, S Walker, A Brown, M Pasternak (all Corporate and Democratic Services).

Provost X McDade, Presiding

## 1. WELCOME AND APOLOGIES

The Provost welcomed those present to the meeting.

## 2. DECLARATIONS OF INTEREST

In terms of the Councillors' Code of Conduct, Bailie C Ahern, Councillors J Duff and A Forbes declared a non-financial interest in Item 6 on the agenda.

## 3. MINUTE OF MEETING OF PERTH AND KINROSS COUNCIL OF 22 JUNE 2022 FOR APPROVAL

The minute was submitted and approved.

In terms of Standing Order 11.1 the Council agreed to vary the order of business and hear Item 6 on the agenda at this point.

BAILIE C AHERN AND COUNCILLOR A FORBES LEFT THE CHAMBERS FOR THIS ITEM.

## 6. 21/01855/IPM - MIXED USE DEVELOPMENT COMPRISING MUSEUM (INCLUDING ANCILLARY SHOP AND CAFÉ), HOTEL AND HOLIDAY LODGE ACCOMMODATION (INCLUDING ANCILLARY SHOP AND CAFÉ FUNCTIONS), COMPLEMENTARY RETAIL AND ASSOCIATED ACCESS, PARKING, PUBLIC REALM, OPEN SPACE AND LANDSCAPING WORKS

**(IN PRINCIPLE) (LDP SITE RT1), CALEDONIAN HOUSE AND LAND AT WEST KINFAUNS, KINFAUNS HOLDINGS, WEST KINFAUNS**

There was submitted a Report of Handling (22/187) by the Head of Planning and Development on the above application. A meeting of the Pre-Determination Committee took place immediately prior to this meeting of Council. K Smith provided a brief introduction to the report.

Motion (Councillor Laing and Depute Provost Parrott)

- (i) **Grant**, subject to the following conditions, terms and informatives detailed in report 22/187.
- (ii) The 'park and choose' asset to be further examined as part of future consideration of the Capital Budget.

Proposed Amendment (Bailie Bailey):

Approve the application subject to the amendment of condition 33 as follows:

- To require a dedicated pavement to be constructed for the full length of Kinfauns Holdings.

THERE WAS A 10 MINUTE RECESS AND THE MEETING RECONVENED AT 12.30PM.

The Provost ruled that the amendment was incompetent.

**Resolved:**

- (i) **Grant**, subject to the following conditions, terms and informatives:

**CONDITIONS**

**Approval of Matters**

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of all built aspects of the development, all hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.  
Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
2. The following use classes are hereby approved within the development and shall not exceed:
  - a) Class 1 (shops) and Class 3 (Food and Drink) with a maximum combined floor space of 750 square metres (m<sup>2</sup>), with no single unit in excess of 200m<sup>2</sup>. In addition, each unit shall be physically conjoined to one of the other approved uses/buildings, and in the case of the Hotel or Museum have

interconnectivity between the primary building/use, so as to allow access by patrons internally,

- b) Class 7 (Hotel) with a maximum number of rooms being 150,
- c) Class 7 (Holiday Chalets) with a maximum number of 50 individual units, each of a maximum floor area not exceeding 85 square metres (m<sup>2</sup>),
- d) Class 10 (Non-residential Institutions – Museum) with a maximum floor area of 5,500 square metres.

Reason: In order to control the use classes hereby approved, to minimise interference with the safety and free flow of traffic on the trunk road, and to restrict the scale of authorised retail development.

3. The holiday chalet use hereby approved shall be used solely for holiday accommodation and shall not be occupied by an individual, persons or family group for a period exceeding 14 nights. The applicant shall keep a record of guests and number of nights stayed in order to demonstrate compliance with this condition. This record book shall be made available for inspection upon request by the Council as Planning Authority.

Reason: In order to control the use class hereby approved.

4. The design, location and external finishes of the holiday chalets hereby approved shall be specified in the details submitted and agreed in association to Condition 1 above. Notwithstanding the details shown on the drawings hereby approved, no permission is granted for the submitted layout or number of units. The following design parameters shall be complied with in submissions related to Condition 1:
- a) All holiday chalets shall be a minimum of 25 metres from any external boundary to the site
  - b) All holiday chalets shall be a minimum of 8metres from each other

Reason: To protect the amenity of the location and to ensure sufficient open space within the development.

5. As part of any application for the Approval of Matters Specified by Condition 1 proposing buildings requiring a building warrant, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. This must demonstrate how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
- a) the technology types;
  - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
  - c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme.

Reason: To ensure the proposal complies with Policy 32 of the Local Development Plan.

#### **Drainage (SUDs)**

6. As part of any application for the Approval of Matters Specified by Condition 1, a sustainable urban drainage system (SUDS) shall be submitted for the written agreement of the Council as Planning

Authority, in consultation with the Scottish Environment Protection Agency (SEPA) where necessary. The scheme shall be developed in accordance with the technical guidance contained in The Sustainable Drainage System (SUDS) Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: In order to ensure all surface water is adequately managed.

7. 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.

### **Biodiversity and Landscape**

8. As part of any future application for the Approval of Matters Specified by Condition 1, a landscaping and planting scheme for the relevant areas sought to be developed, shall be submitted for the written agreement of the Council as Planning Authority, in consultation Network Rail and the Council's Biodiversity / Tree Officer and Community Greenspace team. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development approved by that application, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and public safety as well as the protection of Network Rail infrastructure.

9. No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any application for the Approval of Matters Specified by Condition 1, where the area proposed to be developed contains or is bounded by trees which could be affected shall be accompanied by a detailed tree survey covering that area carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Reason: To protect the existing trees onsite, to ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. The Biodiversity and Landscape Strategy for this site, prepared by Ecus Ltd, dated March 2022 shall be fully adhered to, being

incorporated in the Construction Method Statement and Landscape Scheme as specified within Conditions 8 and 12.

Reason: In the interests of amenity and the protection of the River Tay SAC.

11. The mitigation measures set out within the Ecological Impact Assessment, prepared by Ecus Ltd and dated March 2022 shall be fully adhered to, being incorporated in the Construction Method Statement and Landscape Scheme as specified within Conditions 8 and 12.  
Reason: In the interests of biodiversity and the protection of the River Tay Special Area of Conservation (SAC).

### **Construction**

12. The development shall incorporate and not commence until a detailed Construction Method Statement (CMS) has been submitted to and agreed by the Council as Planning Authority, in consultation with NatureScot, Network Rail and SEPA as well as the Council's Biodiversity and Environmental Health Officers. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
  - (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
  - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
  - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.
  - (e) a Dust Management Plan (DMP) for the control of dust during construction.
  - (f) noise mitigation measures for the control of noise during construction The CMS and mitigations as agreed shall be fully implemented during the construction phase(s).

Reason: To protect amenity and the River Tay SAC.

### **Noise**

13. The mitigation measures recommended in Section 6.6 of the hereby approved Noise Impact Assessment, prepared by ITP Energised Ltd dated 17 September 2021 shall be fully implemented to the satisfaction of the Council as Planning Authority.  
Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise nuisances and to protect residential amenity for neighbours and nearby residents to the development.
14. Further to the Noise Impact Assessment completed and referred to in condition 13 and as part of any application for the Approval of Matters Specified by Condition 1, a railway specific noise impact assessment shall be submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the

potential for occupants of the development to experience noise nuisance arising from the railway line. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority in consultation with Network Rail. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.

Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby railway activities.

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

Reason: To ensure that nearby residents of the development do not experience undue noise disturbance as a result of construction activities.

16. Servicing of and deliveries to the site for all aspects of the development shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: To protect residential amenity

#### **Odour**

17. As part of any application for the Approval of Matters Specified by Condition 1, where the development proposed incorporates any commercial cooking, the details of an effective ventilation system, commensurate with the nature and scale of commercial cooking to be undertaken, shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings. Thereafter the system shall be maintained.

Reason: To protect the amenity of nearby residents to the development and to ensure that occupants/users of the development do not experience any undue odour nuisances.

#### **External Lighting**

18. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land. Details of the external lighting within the site where the area proposed to be developed adjoins or may impact the trunk road shall be submitted for the approval of the Council as Planning Authority, after consultation with Transport Scotland, as the trunk roads authority.
- Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished and to protect the amenity of nearby residents from

light nuisance and in the interests of biodiversity to mitigate against wildlife interference from the development.

### **Archaeology**

19. As part of the first application for the Approval of Matters Specified by Condition 1, the developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. This may reflect a phasing programme. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In order to protect the historic environment and to align the development with Scottish Planning Policy and Policy 26 of the Perth and Kinross LDP2.

### **Contributions**

20. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

### **Active Travel / Paths**

21. As part of the first application for the Approval of Matters Specified by Condition 1, an active travel plan shall be prepared and submitted for approval in writing by the Council as Planning Authority, in consultation with the Council's Greenspace team.

Reason: In the interests of promote active travel and green infrastructure to and from the development.

22. As part of the first application for the Approval of Matters Specified by Condition 1, a management plan indicating any temporary diversions and associated fencing /signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. This plan should demonstrate the temporary measures which are to be put in place until any formal diversion of the core path and right of way is approved. The plan, as agreed, shall be implemented in accordance with the timings identified in the plan.

Reason: To ensure that public access is maintained at all reasonable times, to the local path network

### **Network Rail**

23. As part of the first application for the Approval of Matters Specified by Condition 1, a Network Rail infrastructure exclusion and management plan shall be submitted for approval in writing by the Council as Planning Authority, in consultation with Network Rail. The management plan shall, as a minimum, confirm full details of the location, design and height of a suitable trespass proof fence, for the exclusion of any persons from network infrastructure located within the site boundary. Details shall also be confirmed for the fence's future maintenance and renewal and or any other management of Network Rail infrastructure onsite.

Reason: In order to promote and provide rail safety.

### **Waste Management**

24. As part of the first application for the Approval of Matters Specified by Condition 1, a detailed waste management strategy for this development, confirming any waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation, shall be submitted for the written agreement of the Council as Planning Authority. The duly approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.

Reason: To facilitate appropriate waste management within the development.

### **Transport and Road Safety**

25. As part of the first application for the Approval of Matters Specified by Condition 1, the detailed design for the proposed upgraded A 85(T) / site access junction, as generally illustrated on Drawing SK01 Revision P1 (dated 06 August 2021) and taking account of the recommendations made in the Stage 1 Road Safety Audit, shall be submitted to, and approved in writing by, the Council, in consultation with Transport Scotland, as the trunk roads authority.

All works are to be to a standard compliant with DMRB CD 123 (Geometric design of at-grade priority and signal-controlled Junctions).

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

26. As part of the first application for the Approval of Matters Specified by Condition 1, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority. The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

27. As part of the first application for the Approval of Matters Specified by Condition 1, details for the design, construction, and ongoing maintenance of a barrier along the boundary of the site with the trunk road, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority.



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

28. As part of any application for the Approval of Matters Specified by Condition 1, a Construction Traffic Management Plan (CTMP) has been prepared and approved in writing by Perth and Kinross Council, in consultation with Transport Scotland as the trunk roads authority.  
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.
29. As part of the first application for the Approval of Matters Specified by Condition 1, a signing strategy that sets out proposals for sign provision on the public road network shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority. The signage strategy shall include, and set out, a date for implementation. Thereafter, the adopted strategy shall be implemented prior to the development being first brought into use.  
Reason: In the interests of road safety
30. As part of any application for the Approval of Matters Specified by Condition 1, where the developer seeks to secure details for any of the holiday chalets hereby approved, full parking and access details for those chalets shall be demonstrated and agreed by the Council, as Planning Authority, in writing. A minimum of two parking spaces per chalet shall be provided.  
Reason: To provide a suitable parking provision for the development.
31. As part of the first application for the Approval of Matters Specified by Condition 1, the applicant shall provide details of the electric charge points for vehicles to be supplied on site, which will be agreed and approved in writing by the Council, as Planning Authority.  
Reason: To provide a suitable electric charging provision for the development.
32. As part of any application for the Approval of Matters Specified by Condition 1, the applicant shall provide an updated trip rate forecast for the site, in particular for the retailing elements of the project, which shall be agreed in writing by the Council, as Planning Authority.  
Reason: In the interests of road safety
33. As part of the first application for the Approval of Matters Specified by Condition 1, the developer shall submit a proposal for the consideration and written approval of the Council, as Planning Authority, for the construction of a footway, including dropped kerbs, along the frontage of Kinfauns Holdings and/or between Kinfauns Holdings and Walnut Grove to the west of the site. Thereafter, the proposed development shall not be occupied until the approved proposals have been implemented to the satisfaction of the Council, as Planning Authority. In the event a suitable footway construction cannot be agreed within the site frontage, offsite works at another location may be agreed with the planning authority in consultation with the Council's Transport Planning Team and delivered in the above timeframe.  
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

34. The development shall not see groundworks commence until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of Perth and Kinross Council, in consultation with Transport Scotland, as the trunk roads authority.  
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
35. All vehicles transporting construction material to, and from, the proposed development should be sheeted.  
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
36. As part of the first application for the Approval of Matters Specified by Condition 1, a phasing plan shall be submitted for the written approval of the Council, as Planning Authority, which details the delivery of the on-site parking provision and its relationship to the Park and Choose facility. The phasing plan shall include indications of access between both the on-site parking and the Park and Choose facility, and to the public road network, as well as delivery timelines for each element.  
Reason: To ensure that the development is compatible with the Park and Choose facility and includes for delivery programming.

### **JUSTIFICATION**

The development is considered to be a significant departure from the Local Development Plan 2 (2019). However, there are material planning considerations in this instance which justify an approval recommendation.

### **PROCEDURAL NOTES**

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

### **INFORMATIVES**

1. An Application for the Approval of Matters Specified in Conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed. In which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced no later than the expiration of 3 years from the date of granting of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. The developer is advised to contact Perth and Kinross Heritage Trust on 01738 477080, to discuss terms of reference for work required. This advice is based on information held on the Perth and Kinross Historic

Environment Record. This database of archaeological sites and historic buildings is regularly updated.

4. Part of the approved development includes 'caravans', i.e. the 'chalets'. The developer is advised that caravans require to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore a licence application should be made to Environmental Health. Application forms are available at <https://www.pkc.gov.uk/article/15600/Licence-caravan-site>.
5. The granting of planning permission does not stop the continued right of public access along the existing core path WCAR/119. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
6. 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.
7. Please be aware that the Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
8. 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](http://www.pkc.gov.uk/vehicleaccess).
9. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and SEPA.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. Proposed site lighting designs will need to be submitted to Network Rail's Asset Protection Engineers for approval. The position of the lights, the type of lights and the throw of the lighting: e.g., a sodium light on third party land can 'wash-out' a driver's ability to perceive a signal set at red. To the train driver, the signal could be perceived as yellow and the driver would proceed even though a red signal indicates danger and to stop.
12. No vegetation or planting shall encroach or be able to fall within 4m of any Network Rail infrastructure.
13. 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. The Network Rail Asset Protection Engineers can be contacted regarding the above matters.
14. The applicant is advised that licences under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) would be needed. SEPA Officers recommend that the applicant makes early contact with the relevant local regulatory team to discuss the details of the drainage proposals and or wastewater treatment. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at the local SEPA office at: [FASP@SEPA.org.uk](mailto:FASP@SEPA.org.uk)
  15. 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.
  16. No work shall be commenced until an application for building warrant has been submitted and approved.
  17. 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.
  18. 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)).
  19. 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.
- (ii) The 'park and choose' asset to be further examined as part of future consideration of the Capital Budget.
  - (iii) It be required for further discussions to be held between the Roads Authority and the Developer as more planning permissions come forward.

BAILIE C AHERN AND COUNCILLOR FORBES RETURNED TO THE CHAMBERS AT THIS POINT.

THERE FOLLOWED A 45 MINUTE RECESS AND THE MEETING RECONVENED AT 1430.

#### **4. MOTIONS**

##### **(i) Scottish Outdoor Access Code**

###### **Motion (Councillors I James and J Duff)**

The Scottish Outdoor Access Code (SOAC) gives detailed guidance for universal access to land. NatureScot (formerly Scottish Natural Heritage) were tasked with producing the code when formal rights of access were legislated via the Land Reform (Scotland) Act 2003 to provide guidance for both access takers and Land managers on what would be considered as responsible behaviour.

Other than some minor technical changes incorporated in 2016 the SOAC has not been reviewed despite the ever-changing conditions, attitudes and challenging behaviour by visitors. The code is therefore in need of updating to ensure it is fit for purpose for both access takers and land managers.

We are privileged to be able to call Scotland our home. It is fast becoming a destination of choice by many citizens who chose to take their holidays at home rather than abroad and it is becoming a victim of its own popularity.

The influx of visitors to our lochs, parks and countryside is placing a strain on our resources, wildlife and infrastructure. Many of the rules that were laid down in 2003 are no longer as relevant as they were and many conditions are not catered for at all.

The SOAC is based on three principles as follows:

- Respect the interest of other people
- Care for the environment
- Take responsibility for your own actions.

We have and continue to experience incidents of vandalism and anti social behaviour in our countryside environment. If we do not act now to safeguard our future and that of our natural environment, it may be too late. Once the damage is done, it is often too late to rectify.

This Council calls upon the Leader of this Council to write to the Scottish Government to request that they instruct NatureScot to carry out an urgent review of the Scottish Outdoor Access Code, to make it relevant and to future proof with assessments for further reviews timetabled for periods not exceeding five years in order to protect our beautiful countryside.

###### **Amendment (Bailie A Bailey and Councillor B Leishman)**

To agree the text of the motion with an alternative penultimate paragraph to read as follows

Delete: *"We have and continue to experience incidents of vandalism and anti social behaviour in our countryside environment. If we do not act now to*

*safeguard our future and that of our natural environment, it may be too late. Once the damage is done, it is often too late to rectify.”*

*Insert: “This council recognises and welcomes the great economic benefits that those visiting our area to enjoy our beautiful scenery bring and wishes to send a message that all are welcome. We reaffirm our support for the principle that our natural environment forms part of a common good that is to be enjoyed by the many and should not be the preserve of a fortunate few. However, it also acknowledges that although the vast majority of those visitors act responsibly and within both the law and the outdoor access code, a small minority do not comply with the law or the existing outdoor access code during their time in our area.”*

Councillor P Barrett moved a procedural motion (seconded by Councillor L Barrett) in terms of Standing Order 17.1 that no further discussion take place. A roll call vote was then taken.

19 Members voted yes, to end the debate, as follows:

Bailies C Ahern, A Bailey, C McLaren, Councillors K Allan, H Anderson, L Barrett, P Barrett, B Brawn, A Chan, J Duff, A Forbes, N Freshwater, D Illingworth, I James, N Khogali, B Leishman, W Robertson, C Shiers, F Smith

17 Members voted no, to continue with the debate, as follows:

Bailies R Brock and M Williamson, Councillors S Carr, D Cuthbert, S Donaldson, E Drysdale, M Frampton, K Harvey, G Laing, I MacPherson, I Massie, S McCole, T McEwan, J Rebbeck, G Stewart, R Watters, J Welch

3 Members abstained as follows:

Provost X McDade, Councillors A Parrott, and C Stewart.

The mover and the seconder of the Motion agreed to accept the Amendment into the Revised Motion.

**Resolved:**

The Scottish Outdoor Access Code (SOAC) gives detailed guidance for universal access to land. NatureScot (formerly Scottish Natural Heritage) were tasked with producing the code when formal rights of access were legislated via the Land Reform (Scotland) Act 2003 to provide guidance for both access takers and Land managers on what would be considered as responsible behaviour.

Other than some minor technical changes incorporated in 2016 the SOAC has not been reviewed despite the ever-changing conditions, attitudes and challenging behaviour by visitors. The code is therefore in need of updating to ensure it is fit for purpose for both access takers and land managers.

We are privileged to be able to call Scotland our home. It is fast becoming a destination of choice by many citizens who chose to take their holidays at home rather than abroad and it is becoming a victim of its own popularity.

The influx of visitors to our lochs, parks and countryside is placing a strain on our resources, wildlife and infrastructure. Many of the rules that were laid down in 2003 are no longer as relevant as they were and many conditions are not catered for at all.

The SOAC is based on three principles as follows:

- Respect the interest of other people
- Care for the environment
- Take responsibility for your own actions.

This council recognises and welcomes the great economic benefits that those visiting our area to enjoy our beautiful scenery bring and wishes to send a message that all are welcome. We reaffirm our support for the principle that our natural environment forms part of a common good that is to be enjoyed by the many and should not be the preserve of a fortunate few. However, it also acknowledges that although the vast majority of those visitors act responsibly and within both the law and the outdoor access code, a small minority do not comply with the law or the existing outdoor access code during their time in our area.

This Council calls upon the Leader of this Council to write to the Scottish Government to request that they instruct NatureScot to carry out an urgent review of the Scottish Outdoor Access Code, to make it relevant and to future proof with assessments for further reviews timetabled for periods not exceeding five years in order to protect our beautiful countryside.

## **(ii) Adapt Your Property Fund**

### **Motion (Councillors C Stewart and A Parrott)**

That Council:

- Notes that the Adapt Your Property Fund of £340,000 has been fully allocated (£300,000 of budget allocation and £40,000 carried forward);
- Notes that the Fund leveraged further investment of £658,000;
- Notes that the Fund brought 1477m<sup>2</sup> of commercial floor space back into use and created five residential units; therefore
- Agrees that a further £300,000 be allocated to the Fund from the Covid reserve to open a further round of applications in the 2022/2023 financial year.

### **Resolved:**

In accordance with the Motion.

DEPUTE PROVOST LED ON THE FOLLOWING ITEMS

**(iii) School Clothing Grants**

Motion (Councillors I MacPherson and B Leishman)

We recognise the ongoing impact of the Cost of Living Crisis on families in greatest need. As such we propose to add an additional £20K to the Council's Financial Insecurity Fund to enable schools to refer families who would benefit from additional funding for winter clothing for their children and young people.

**Resolved:**

In accordance with the Motion

**(iv) Support for Ukraine**

Motion (Councillor S Carr and Bailie A Bailey)

We all continue to be horrified by the events in Ukraine and continue to seek to support the Ukrainian people in any way we can. Perth and Kinross have been very pro-active in its support and continues to welcome large numbers of Ukrainian refugees to our area. To show our continued support of the Ukrainian people and the refugees making a life here in Perth and Kinross, it is proposed that the Council resolves to hold an event to mark Ukrainian Independence Day on 24 August 2022.

**Resolved:**

In accordance with the Motion.

PROVOST LED ON THE FOLLOWING ITEMS.

**(v) Visitor Ranger Service**

Motion (Bailie R Brock and Councillor S Donaldson)

Following increasing visitor management issues such as littering, damage to property, inconsiderate camping and parking over the past few years, and particularly post-lockdown in the summer of 2020, the Council agreed a pilot Visitor Ranger Service in the spring of 2021. This Visitor Ranger Service has been hugely successful in supporting our communities over the past year and has engaged with thousands of visitors, providing advice on how to visit our rural areas responsibly and leave nothing more than footprints. Our Visitor Rangers have worked closely with other partners and our communities to create a positive visitor experience as well as improving the lives of residents.

Given the success of the pilot Visitor Ranger Service, the Council resolves to make it a permanent service and asks officers to bring forward proposals to this effect as part of the revenue budget setting process.



### Amendment (Councillors J Duff and K Allan)

That Council recognises the success of the Visitor Ranger Service pilot and acknowledges the tremendous efforts of our Visitor Rangers to ensure a positive experience for visitors, the minimum of inconvenience for our residents and the maximum protection of our countryside. However, given the likely financial position of this Council in relation to the revenue budget for 2023-2024 and beyond, no decision should be made on making the Visitor Ranger Service permanent at this time and that officers bring forward a report on the service as part of the budget setting process for the next financial year.

In terms of Standing Order 21.5, a roll call was taken

25 Members voted for the Motion, as follows:

Provost X McDade, Bailies A Bailey, R Brock, C McLaren, M Williamson, Councillors L Barrett, S Carr, D Cuthbert, S Donaldson, E Drysdale, M Frampton, K Harvey, G Laing, B Leishman, I MacPherson, I Massie, S McCole, T McEwan, A Parrott, J Rebbeck, C Stewart, G Stewart, R Watters and J Welch.

8 Members voted for Amendment as follows:

Councillors K Allan, H Anderson, J Duff, A Forbes, D Illingworth, W Robertson, C Shiers and F Smith.

7 Members abstained from vote as follows:

Bailie C Ahern, Councillors B Brawn, A Chan, N Freshwater, I James, N Khogali and C Reid.

**Resolved:**

In accordance with the Motion.

## **5. OUTSTANDING BUSINESS STATEMENTS (OBS)**

**Resolved:**

The Outstanding Business Statement from 22 June 2022, be noted.

## **7. UPDATE TO SCHEME OF ADMINISTRATION**

There was submitted a briefing note by the Head of Legal and Governance Services on the interim terms of reference for the Climate Change and Sustainability Committee.

**Resolved:**

- (i) A full revised version of the Scheme of Administration will be submitted to the next Council meeting on 28 September 2022 for consideration;
- (ii) The interim terms of reference for the Climate Change and Sustainability Committee, be approved.

## 8. TECHNICAL BRIEFINGS SINCE LAST MEETING

### **Resolved:**

It be noted that the following [Elected Members Briefing Notes](#) have been issued to elected Members since the previous Council meeting on 22 June 2022:

13 June 2022 Pitlochry Community Hospital

23 June 2022 Resurfacing Works

30 June 2022 Update on Garage and Lock Up Debts

5 July 2022 Holiday Activities, Food and Childcare

15 July 2022 Change in Leadership Team Structure and Consolidation Update

15 July 2022 Incident in Campsie Road, Perth on 14 July 2022