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Council Building
2 High Street
Perth
PH1 5PH

16/01/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 25 January 2023** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Councillor Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Hugh Anderson
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Eric Drysdale
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 25 January 2023

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 23 NOVEMBER 2022 FOR APPROVAL** **5 - 22**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 22/01071/FLM - FORMATION OF AN ENERGY STORAGE FACILITY COMPRISING CONTROL BUILDING, BATTERY STORAGE CONTAINER UNITS, ANCILLARY EQUIPMENT, BOUNDARY TREATMENTS, BUND, LANDSCAPING AND ASSOCIATED WORKS, LAND 170 METRES SOUTH OF NEWHOUSE FARM, PERTH** **23 - 48**
Report of Handling by Head of Planning and Development (copy herewith 23/2)
- 5(2) LOCAL APPLICATION**
- 5(2)(i) 22/01043/FLL - ERECTION OF 20 DWELLINGHOUSES AND ASSOCIATED WORKS, LAND 70 METRES EAST OF LOSSET PARK, LOSSET ROAD, ALYTH** **49 - 74**
Report of Handling by Head of Planning and Development (copy herewith 23/3)

6 PROPOSAL OF APPLICATION NOTICES (PAN)

- 6(i) 22/00022/PAN - INSTALLATION OF A 49.9MW GROUND-MOUNTED SOLAR ARRAY AND ASSOCIATED WORKS, LAND 500 METRES NORTH-WEST OF EAST SAUCHER HOUSE, KINROSSIE 75 - 84**
Pre-Application Report by Head of Planning and Development
(copy herewith 23/4)
- 6(ii) 22/00026/PAN - INSTALLATION OF A BATTERY ENERGY STORAGE FACILITY WITH ASSOCIATED ACCESS AND INFRASTRUCTURE, LAND 600 METRES NORTH-EAST OF CORDON FARM, ABERNETHY 85 - 94**
Pre-Application Report by Head of Planning and Development
(copy herewith 23/5)

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

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PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth on Wednesday 23 November 2022 at 10:00am.

Present: Councillors I Massie and G Stewart, Bailies C Ahern (Substituting for Councillor D Illingworth) (Items 5(1)(i) and 5(1)(ii) only), C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, E Drysdale, I James, B Leishman, C Reid (Items 5(1)(i) and 5(1)(ii) only) and R Watters (Items 5(1)(i) and 5(1)(ii) only).

In Attendance: G Bissett, S Panton, L Reid, D Salman, K Smith, P Williamson and B Wilson (all Communities); A Brown, G Fogg, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor D Illingworth.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

Bailie M Williamson and Councillor D Cuthbert declared a non-financial interest in Item 5(1)(i) – 21/02104/FLM.

Councillor C Reid declared a non-financial interest in Item 5(1)(ii) – 21/01968/FLM.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 22 September 2022, be approved.

4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Item No.
21/02104/FLM	5(1)(i)
21/01968/FLM	5(1)(ii)
22/00546/FLL	5(2)(i)
21/01755/FLL	5(2)(ii)
21/02005/FLL	5(2)(iii)

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE M WILLIAMSON AND COUNCILLOR D CUTHBERT, LEFT THE CHAMBER.

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

(i) 21/02104/FLM Extension to quarry and associated works, land 750 metres north east of Marlee Quarry, Essendy, Blairgowrie

Councillor C Shiers, Councillor T McEwan, Mr T Baynes, objectors to the application, addressed the Committee and answered Members' questions. Mr W Booth, agent, on behalf of the applicant, addressed the Committee and answered Members' questions.

Resolved:

Refuse, for the following reasons:

The application is contrary to the Perth and Kinross Local Development Plan 2 (2019) as follows:

1. Policies 1A, 7A(a), and 8(a), (c), and (e) due to the adverse impacts on nearby residential amenity;
2. Policies 38A(b) and (c) as it has not been satisfactorily demonstrated that there are public interest benefits that outweigh any adverse effects on the conservation sites and designations;
3. Policy 49A(a) and (i), (ii), (v) and (vi) as it has not been satisfactorily demonstrated that there are no alternative sources and that there will not be adverse residual effects from the proposal.

BAILIE M WILLIAMSON AND COUNCILLOR D CUTHBERT RETURNED TO THE CHAMBER.

COMMITTEE ADJOURNED FOR A SHORT BREAK AND RECONVENED AT 11:55AM.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR C REID LEFT THE CHAMBER.

(ii) 21/01968/FLM Formation of A9 slip road and junction including road widening, landscaping, drainage works and erection of replacement bridge, land at A9(T) and Shinafoot Road, (B9062) near Auchterarder

Councillor C Reid and Mr J Cameron, objectors to the application, addressed the Committee and answered Members' questions. Ms E Farquharson-Black, Solicitor of Brodies LLP, and Mr R Gray, Engineer of Fairhurst, both for the applicants,

addressed the Committee and were joined by Ms N McCowan, Land and Planning Manager of Muir Homes Ltd and Mr G Milne, Technical and Design Director of Stewart Milne Homes, to answer Members' questions.

Resolved:

Refuse, for the following reasons:

1. The development proposed is contrary to the Auchterarder Expansion Townhead & Northeast Development Framework as well as policy 60B of the adopted Perth and Kinross Local Development Plan 2 (2019).
2. The projected vehicle movement increases through Auchterarder are detrimental to the town's sense of place, its health and wellbeing and may impact other forms of active and sustainable travel methods. Accordingly, the proposal is contrary to the Scottish Government National Roads Development Guide 2014 and National Transport Strategy 2020.
3. The proposed financial offset to mitigate the loss of woodland and biodiversity within the site is considered to set a precedent and fails to accord with the principles of the Scottish Government Policy on Control of Woodland Removal. The proposal is therefore contrary to Policy 41 of the adopted Perth and Kinross Local Development Plan 2 (2019) and fails to accord with the principals of the Perth and Kinross Planning for Nature Development Management and Wildlife Guide April 2022.

COUNCILLOR C REID RETURNED TO THE CHAMBER.

COMMITTEE ADJOURNED FOR A ONE HOUR RECESS AND RECONVENED AT 2:30PM.

(2) Local Applications

- (i) 22/00546/FLL Formation of road widening and draining works associated with 21/01968/FLM works to A9(T) and Shinafoot Road (B8062), Auchterarder**

Mr A McCafferty, Planning and Development Consultant of Andrew McCafferty Associates, on behalf of the applicant, addressed the Committee and answered Members' questions.

Resolved:

Grant, subject to the following conditions, terms and informatives:

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 CTMP 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.

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.

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](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.
12. 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.
13. An application for Building Warrant may be required.
14. 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.

(ii) 21/01755/FLL Erection of 3 dwellinghouses, 3 garages and associated works, land 30 metres north east of Rantrie Knowe, Drum

Mr A Morrison, Mr D Mudie (via audioconference), Ms M Bray (via audioconference), objectors to the application, addressed the Committee and answered Members' questions.

Resolved:

Grant, subject to the following conditions, terms and informatives:

General

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.
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.

2. 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.

3. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. 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, 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 visual amenity; to ensure a satisfactory standard of local environmental quality.

5. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

6. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection

measures, once in place, shall remain in place for the duration of construction.

Reason – To ensure the protection of all retained trees, in the interests of visual amenity.

7. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason – To ensure the protection of all retained trees, in the interests of visual amenity.

8. The dwellinghouses shall be designed and constructed such that at the time of completion internal noise levels in bedrooms from road traffic noise shall not exceed LAeq 2300-0700 30dB, with windows open. Any bedroom where such a level is not achievable with windows open, sound insulating mechanical ventilators shall be installed in addition to any acoustic trickle ventilators to be provided.

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

9. The foul drainage for the development shall be drained to the public mains sewerage system.

Reason – To ensure appropriate drainage arrangements are installed thereby ensuring compliance with Policy 53B of the Local Development Plan 2019.

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

Reason – To ensure the provision of effective drainage for the site.

Justification

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

Informatives

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
2. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>
3. 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.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
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. 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.

(iii) 21/02005/FLL Siting of 8 holiday accommodation units, erection of ancillary building, alteration and extension to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works, Dunkeld House Hotel, Dunkeld

Mr W Gunn, objector to the application, addressed the Committee and was joined by Mr G Dimeck, Independent Planning Consultant, to answer Members' questions.

Resolved:

Grant, subject to the following conditions, terms and informatives:

Conditions

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.
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.
2. 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.
3. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
Reason – In order to clarify the terms of the permission; to control and restrict the use of the building.
4. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing. 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 stock piles, 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.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason – In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

- 5. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

- 6. Prior to the commencement of any works on site, an independent and fully qualified Arboricultural Clerk of Works (ArbCow) 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 for the duration of the construction and shall have the responsibility of ensuring tree protection measures are implemented in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction, and tree protection measures are maintained secure at all times, and until completion of the development. In addition, the following is required;

- a) The developer's appointed ArbCow to contact the local planning authority tree officer in order to arrange a prestart meeting to agree on site tree pruning works required to facilitate the development, but before commencement of development.
- b) The developer's appointed ArbCow to contact the local planning authority tree officer to arrange a prestart meeting for inspection of all tree & ground protection measures, before commencement of development.
- c) The developer's appointed ArbCow to contact the local planning authority tree officer to agree drainage installation method, and non-dig geocell technique used to form the access pathway in accordance with Chapter 14 (New Surfaces Detailed Specification) of Roavr Environmental Tree Report dated 10.10.21.

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

7. The development shall be undertaken in full compliance with the Arboricultural Method Statement by Roavr Environmental, Tree Report dated 10.10.21 Chapter 9 (plan ref 31, 32, 33, 34) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
8. Prior to the commencement of development, a detailed plan that shows the exact position of the proposed fencing, development, trees, and demarcating the Construction Exclusion Zone, (with protective fence type specification) shall be submitted to and agreed in writing with the Council as Planning Authority. The plan as approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.
Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
9. Prior to the commencement of development a planting plan for the site showing augmentation planting, using native local provenance sourced pedunculate oak, sessile oak, silver birch, Scots pine, holly, yew, and non-native Quercus ilex (evergreen oak), shall be submitted and agreed in writing by the Council as Planning Authority. The new tree planting to be subject to protection from vermin, including deer. 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, 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 visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
10. The conclusions and recommended action points within the supporting biodiversity surveys Red Squirrel Survey Report, Bat Survey Report, Mammal Survey and Bat Survey of Trees Report and Ecological Appraisal by Echoes Ecology Limited dated 29.06.22, 30.08.2022, 29.09.21, 29.09.21 (Plan ref 49, 48, 46, 45, 44) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority. Attention is drawn to both survey

documents – Preliminary Ecological Appraisal Report (Echoes Ecology Ltd, 2020) and Mammal Survey and Bat Survey of Trees (Echoes Ecology Ltd, 2021) and need for pre-works checks (in Section 6 - Ecological Constraints Plan) with the results of these checks be submitted to the Planning Authority (Condition). In addition, the recommendations outlined in Section 7 - Ecological Constraints and Opportunities Plan – of the submitted PEAR (Echoes Ecology Ltd, 2020) must be implemented and adhered to in full also. Reference to the measures for invasive non-native species, reptiles, and breeding birds. Reason – In the interests of protecting environmental quality and of biodiversity.

Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

11. Prior to the commencement of development hereby approved, details of the location and specification of the biodiversity enhancement measures listed in the submitted Preliminary Ecological Appraisal Report (September 2022) (Plan ref 47) including a barn owl box, bat boxes, bird boxes and native planting shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

12. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason – To ensure the provision of effective drainage for the site.

13. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates 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 for each building:

- 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 and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – to comply with Policy 32 of the Local Development Plan 2 (2019).

Justification

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

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. An application for Building Warrant may be required.
4. 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.
5. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two

months of the expiry date of your permission will be able to be dealt with before your permission lapses.

6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

6. PROPOSAL OF APPLICATION NOTICES (PAN)

(i) 22/00020/PAN Installation of a battery energy storage facility comprising battery storage units and associated works, land 100 metres south west of Birch Grove, Killichonan

Bailie Williamson and Councillor James requested that due consideration is given to traffic management during construction, specifically in relation to wide loads and requirement of a police escort on the B8019; the design of the proposal complimenting the nearby listed building, Rannoch Power Station; site security; light pollution and hours of construction.

The contents of the Head of Planning & Development's Report were noted.

Perth and Kinross Council
Planning and Placemaking Committee – 25 January 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/2)

PROPOSAL: Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works

LOCATION: Land 170 metres south of Newhouse Farm, Perth

Ref. No: [22/01071/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application which proposes the formation of an electrical energy storage facility, including up to 56 storage containers, an additional control building and associated works such as landscaping, bunding, and vehicular access all on land west of the A9 on the western side of Perth. The proposal is genuinely 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.1.8 hectares (Ha) in area and currently comprises grazing land with a tree belt to the east side with access road beyond. It is proposed to develop a storage compound contained within a security fence and landscape bund. The balance land comprises the site access, landscaped areas and proposed drainage. The site is located approximately 170 metres South of Newhouse Farm and 100 metres north of the Noah's Ark Caravan Park. Other than the existing caravan park, golf driving range and children's activities centre further to the south, the wider area comprises: agricultural and treed areas to the west; the A9 Trunk Road is to the east, beyond are established residential areas on the western edge of Perth City. Access is to be via Old Gallows Road, off an existing private access, which is also designated as a public right of way, 'Ruthven Park Path'. Overall local topography slopes gently down from north to south.
- 2 In physical terms, the energy storage facility would see 56 containerised storage units (each L.13m x w.2.5m x h.2.6m) and housing battery units, inverters, transformers and control equipment; a Control Building measuring 13m x 6m x 3.4m; together with associated equipment such as power converters and cooling units. In addition, engineering operations are required, including levelling of the ground to form a platform, formation of a landscape

bund and access road/junction, as well as onsite water storage/drainage infrastructure.

- 3 The facility will be enclosed on the east, south and north by a 3m high compound fence, comprising a weldmesh style fence with barbed wire at the top. Fencing on the west side of the compound will comprise a solid timber acoustic fence. All of the compound fences will be painted dark green in colour unless otherwise agreed. Twenty-two CCTV cameras on eleven 4m tall poles would provide security coverage. External lighting is to be provided for periods of maintenance but will not be on otherwise.
- 4 A significant planting and a landscaping scheme is proposed, enhanced by a landscape bund along the northern boundary – all to assist in mitigating the visual impact and aid in drainage management.
- 5 The site has been selected both due to its; proximity to an electrical substation, approximately 420m to the south and across the A9 Trunk Road; and its relative containment in landscape terms, minimising wider visual amenity impacts. The land is identified as being prime agricultural land and therefore is important in terms of soil quality within Perth and Kinross. The formal soil classification is Class 2. However, because the site is located within the Perth Settlement Boundary as set out within the LDP2 2019 the development is in compliance with Policy 50. This is discussed in more detail below.

Environmental Impact Assessment

- 6 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.
- 7 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.
- 8 An EIA screening has previously been undertaken for a development of similar scale and type to this application, (Reference 20/01482/SCRN), 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 archaeological, drainage, noise, ecology, traffic and transport and landscape visual impact have been required.

Pre application Consultation

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local community. No comments were received in relation to the siting or design of the facility. Very limited feedback and or participation resulted from the consultation process.
- 10 The Pre-Application Consultation (PAC) Report submitted with this application noted that two webinars were run in August 2020 and June 2021 and that information was also available online, via a project website. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

National Policy and Guidance

- 11 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

- 12 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.

Revised Draft National Planning Framework 2022

- 13 The revised draft 4th National Planning Statement (NPF4) was published on 8 November 2022. The principal policies of this document set out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The outcomes of this policy discussion are net zero carbon emissions and nature positive places. This development proposal accords with the principal intentions of this document.

The Scottish Planning Policy 2014 (SSP)

- 14 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.
- 15 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Delivering Heat and Electricity: paragraphs 152 – 173
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport
 - The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

Development Plan

- 17 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

- 18 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.”

- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application –
- Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 20 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.
- 21 The principal relevant policies are, in summary.
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 6: Settlement Boundaries
 - Policy 14A: Open Space Retention and Provision: Existing Areas
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 30: Protection, Promotion and Interpretation of Historic Battlefields
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
 - Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
 - Policy 35: Electricity Transmission Infrastructure
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 50: Prime Agricultural Land
 - Policy 51: Soils
 - Policy 52: New Development and Flooding
 - Policy 53A: Water Environment and Drainage: Water Environment
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

- 22 Perth & Kinross Council Supplementary guidance on Flood Risk and Flood Risk Assessments, March 2021
- 23 Landscape Supplementary Guidance, February 2020.

- 24 Placemaking Supplementary Guidance, February 2020.
- 25 Planning for Nature – Development Management and Wildlife Supplementary Guidance, April 2022.
- 26 Renewable & Low Carbon Energy Supplementary Guidance (Draft).

SITE HISTORY

- 27 [20/00006/PAN](#) A Proposal of Application Notice was submitted on 8 July 2020 advising of a potential development proposal for the formation of a battery energy storage system, comprising the siting of container units, installation of a substation, erection of fencing, landscaping and associated works. This PAN was notified to Members at the September 2020 Committee.
- 28 [20/01482/SCRN](#) An environmental Screening Opinion request was received on the 13 October 2020, relating to the Installation of a battery/energy storage facility up to 49.99 Megawatts (MW). A response was issued on the 30 November 2020 confirming the development was not EIA Development.
- 29 **21/00467/FLM** A detailed Major Planning Application was submitted on the 23 March 2021 for the formation of a battery energy storage facility comprising siting of container units, erection of a meter building, erection of fencing, landscaping and associated works. This application was subsequently withdrawn, to allow more pre-application consultation to be carried out.
- 30 [21/00007/PAN](#) A Proposal of Application Notice was submitted on 23 March 2021 advising of a potential development proposal for the formation of a battery energy storage system, comprising the siting of container units, installation of a substation, erection of fencing, landscaping and associated works. This PAN was notified to Members at the June 2021 Committee.

CONSULTATIONS

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

External

- 32 **Health and Safety Executive:** No Objection. Advise the development is not in proximity to a major hazard site or major accident hazard pipeline.
- 33 **Historic Environment Scotland:** No Objection. Advise the proposed access into the development crosses the Battle of Tippermuir designation. However, as this is an existing private track which is not required to be upgraded no further commentary or objection is provided.
- 34 **Transport Scotland:** No Objection – subject to conditions regarding the need for further approval of signage, traffic control measures and abnormal sized loads with respect to the use of the Trunk Road. (Conditions 8 and 9).

- 35 **Methven Community Council:** No comments.
- 36 **Scottish Water:** No objection. No comments provided.
- 37 **NatureScot:** No comments.
- 38 **Perth and Kinross Heritage Trust:** No objection – subject to a condition requiring pre-commencement approval and of an archaeological program of works. Condition 15)

Internal

- 39 **Environmental Health (Noise, Lighting):** No objection – subject to conditions regarding construction noise, external lighting and a dust management plan. (Conditions 3-6 and 14)
- 40 **Conservation Team:** No objections or concerns in respect of the Perth Centre Conservation area, located some 3.3 km to the southeast.
- 41 **Transport Planning:** No objection – subject to a condition to secure a Construction Transport Management Plan. (Condition 7)
- 42 **Structures and Flooding:** No objection. Concerns initially raised regarding the design and any potential water discharge therefrom. However, this has been resolved via: clarification that any discharge would not exceed existing greenfield level; and the recommendation of safeguarding conditions requiring all drainage works onsite to be quantified and agreed prior to development commencing. Conditions 18 and 19 are recommended.
- 43 **Development Contributions Officer:** No objection.
- 44 **Biodiversity/Tree Officer:** No objection. Initial concerns were raised in respect of the Preliminary Ecological Appraisal Report, specifically that the timing of the survey, which was out of field season and thereby had the potential to miss botanical interests and breeding birds. In addition, it was identified further survey work may be required. However, those concerns are now resolved through the provision of additional information and photographs of the site. Conditions are recommended to secure the mitigation measures outlined in the submitted supporting ecological reports, the provision of native planting onsite as well as bird and bat boxes within the site. (Conditions 11-13).
- 45 **Community Greenspace:** No comments.
- 46 **Development Plan:** No comments.

Representations

- 47 None.

ADDITIONAL STATEMENTS

48

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Phase 1 Ecological Survey – Information to support a Habitat Regulations Appraisal Submitted
Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Noise Assessment • Pre-Application Consultation Report • Construction Environmental Management Plan • Preliminary Ecological Appraisal • Supporting Statement

APPRAISAL

- 49 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely Flood Risks and Flood Assessment and Planning for Nature and Wildlife.

Principle

- 50 The location is a peripheral agricultural area on the edge of Perth, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking; Policy 14A Open Space Retention; Policies 32, 33A, 33B and 35 Renewables, Low Carbon Energy and Energy Transmission; Policies 39, 40 and 41 Biodiversity and Landscape; Policy 50 Prime Agricultural Land and Policy 53C Water and Drainage.
- 51 The development does raise a minor conflict in terms planning policy on account of the site occupying prime agricultural land and in forming the new vehicle access, which will require the removal of a small number of trees from within an area of amenity open space. Both of these matters have been considered against the applicable policies 14A and 50 within the LDP2 2019 and are deemed to align. In the case of utilisation of prime agricultural land, the development falls within the Perth Settlement Boundary and as such does not require to demonstrate an established need argument justifying the site.

The use of this land within the settlement boundary for development is otherwise expected by the development plan. In terms of the removal of trees from within amenity open space, justification is accepted where the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. In this case only a small number of trees are to be removed to facilitate the access. These will be replaced within further compensatory landscape planting. There will be no wider impact to amenity.

- 52 In itself the proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO2 reduction targets, supporting the strategy principles of the Scottish Energy Strategy. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, decreasing CO2 emissions. Whilst the development does in this case occupy prime agricultural land and will result in the removal of trees from amenity ground, an important consideration in this case is the locational necessity of a development of this nature. The development requires proximity to a suitable electrical substation with electrical connection capacity. In addition, this site is well contained in landscape terms meaning any wider landscape impacts or impacts to visual amenity are significantly minimised. Overall, the planning balance is considered in favour of supporting the Scottish Energy Strategy and its wider intentions.

Design and Layout

- 53 The design and layout essentially reflects the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will see structures contained below 4m in height. The tallest visible elements will be the 4m tall CCTV poles, with the containers housing the electrical infrastructure being between 2.6 and 3.4 m high. Engineering works will be required to create the development platform as well as the landscape and drainage retention bund. All built development within the storage compound will be enclosed behind a security fence and additional landscaping. Having regard to the overall scale and height of built structures horizontal massing is considered more significant than vertical impacts. This aspect is further assessed in the Landscape and Visual Amenity sections below. Physical separation between each container is observed and colour/finishes can be controlled by Conditions 1 and 10.

Landscape and Visual Amenity

- 54 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1A, 1B and 33. In this instance, as said above, the proposed utilitarian design is largely set, thus some landscape and visual impact inevitable. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides screening from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy 33, the

cumulative visual impact of the proposal along with the existing caravan park and nearby farm buildings should also be taken into account.

- 55 Although a separate landscape visual impact assessment (LVIA) was requested, this detail has been incorporated into the design statement and other aspects of the supporting submissions. In conjunction with a site visit these documents were key in assessing if the proposals could be successfully visually accommodated. Specifically extensive existing landscape features will be supplemented by robust and comprehensive native planting around the site perimeter along with a landscape bund at the northern boundary. Although a planting schedule has been provided within the supporting statement it is recommended this detail be secured through condition to allow for further reviews and modification. The proposed planting, along with the particular site characteristics, of being set down within a hollow and contained from wider view on all sides, is considered sufficient to satisfactorily accommodate the development in the landscape terms, particularly as any vegetation matures. Some intermittent impacts on views from the public right of way to the immediate west will be unavoidable as formation of the access track to the site will require an opening in the existing landscaping. However, such impacts will be noted only directly fronting the access and not in the wider setting. It is not considered that the development will result in any unacceptable impacts on landscape or visual amenity.
- 56 It is noted that the established pine plantation along the western site boundary is designated amenity open space within the LDP2 2019. Policy 14A supports development of open amenity space only where the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. In this case the removal of existing vegetation is required to form the access track and any visibility splays. The resulting vegetation loss extends to the minimum width of the vehicle track only and the amenity space lost is limited so as not to conflict with the intent of Policy 14A. Replacement planting within the site will exceed the number of trees lost. As noted above the loss in amenity space will be minimal and only observed as walkers pass directly in front of the site access, so as not to unacceptably affect its recreational or amenity value.
- 57 The proposal is therefore considered to accord with policies 1A, 1B, 14B and 33.

Residential Amenity

Noise

- 58 The closest residential properties are Newhouse Farm, 1 - 5 Newhouse Cottages, Coach House, and 47 to 67 Robertson Road. To the north of the site are a number of new build properties at the former Auction Mart site, (Ref Planning Permission 18/01038/AMM). The closest property is approximately 230 metres away. The applicant has submitted a noise impact assessment (NIA), 'Noise Assessment, Newhouse Farm' dated June 2022 by Logan PM Energy Project Management. The NIA follows best practice with modelling undertaken for noise calculations using worst case scenario projections. The

report considers both external noise levels in the vicinity of dwellings, and levels within rooms, assuming windows open for ventilation. Baseline noise measurements were also recorded.

- 59 The NIA states that the battery units incorporate mitigation within their design, including noise attenuation cowls fitted to vents and low-noise multi-bladed fans on the air conditioning units. The site design also includes a significant planted landscape bund that will act to reduce noise emission beyond its boundaries. Taking the locations to north, west and south where houses might in future be built, external noise levels would be a maximum of 44dB LAeq due to the battery facility, well below the target level of 55dB LAeq, and well below existing road noise. The facility is thus considered compatible with the future residential use of the surrounding land. Consequently, no objection is raised by environmental health on noise matters. Conditions are recommended in terms of construction operation hours and noise levels permitted by plant equipment. Conditions 3- 5)

Air Quality

- 60 In terms of Air Quality and Dust, particularly during construction activities, the application site is within Perth's Air Quality Management Area which was declared for exceedance in the annual mean for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Therefore, during the construction stage of the development, the applicant needs to control and minimise dust from all construction activities such as excavation works for the formation of bunds, trenches, and access tracks. A condition is recommended that the applicant submit a Dust Management Plan for agreement prior to development commencing. (Condition 14).
- 61 Owing to compliance with the recommended condition set out by EH it is considered that the development will comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

Lighting

- 62 The impact of artificial lighting has been noted as a matter of concern. However, the use of lighting is to be minimal and primarily for security and or staff maintenance purposes on an intermittent basis. Condition 6 can control spillage and limit operation.

Roads and Access

- 63 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. The development proposes to access from Old Gallows Road via an existing private track. No concerns are raised by Transport Planning with respect of impacts to the local road network, subject to a condition relating to a Construction Traffic Management Scheme (CTMS). Nor have any concerns been raised by Transport Scotland relative to the use of the Trunk Road, subject to conditions that further agreement may be required for any signage, traffic management and or abnormal loads. (Conditions 7 – 9 and 16).

- 64 Overall, no significant road and or transport impacts are identified, and it is concluded subject to conditions regarding construction traffic management, that the development conforms with Policy 60B. For the avoidance of doubt, specific consideration regarding the use of and access over Old Gallows Road Bridge by emergency vehicles has been considered by both Transport Planning and Transport Scotland in their assessments of this application. No concerns are raised. The existing bridge does not have any weight limits and exceeds the minimum width required for emergency vehicles.

Drainage and Flooding

- 65 The site itself is outwith any identified surface water or fluvial flooding area as identified by the SEPA Flood Risk Maps. However, the proposed onsite SUDs scheme will be required to discharge into an area of known surface water flooding. Consequently, further information was requested by the Council's Flood Risk Officer, pertaining to the functionality of the retention basin and discharge from this location. The applicant has subsequently confirmed that the retention pond allows for 248m³ of storage, not including inflow pipes and ditches/swale that are also to be present. Whilst detailed design work has not been completed it is also confirmed that should greater storage capacity be necessary; this would readily be achievable such as through infiltration trenches or by creating storage elsewhere. It is also confirmed that the soils onsite are freely draining and no significant area of building or hardstanding will be required, thereby minimising the volume of water to be retained.
- 66 Despite the need for more detailed design work to be undertaken, the Flooding and Structures Team are satisfied there is sufficient capacity within the site area to accommodate the necessary retention required. A safeguarding condition is recommended to require the provision of technical drainage design details to be submitted and approved prior to development commencing. (Condition 18). A further condition, (Condition 19), is also recommended to limit any discharge from the retention basin to existing greenfield rate calculations (i.e. not greater than those prior to any development) in order to ensure any further impacts on the known surface water flooding area are managed. Such details are also to be confirmed before any other works onsite may commence.
- 67 Subject to recommended safeguarding conditions as stated, the development is considered to accord with Policies 52 and 53C of the LDP2 2019.

Heritage Conservation Considerations

- 68 It is confirmed that the site lies within an area considered to be archaeologically sensitive. As it is greenfield and does not appear to have been developed in the past there is potential for unknown buried archaeological remains to survive. Particularly there are known areas of interest in the surroundings. To the north are potential prehistoric pit circles (MPK 2183) and to the west, enclosures (MPK6103 & 2219) that suggest prehistoric activity in the vicinity. The Battle of Tippermuir (BTL39) also took

place to the south, with the existing private access track passing through this designation.

69 Despite the known areas of interest no objection is raised by Historic Environment Scotland or Perth and Kinross Heritage Trust. However, a suspensive condition is recommended for a programme of archaeological works to ensure the development does not destroy significant archaeological remains. (Condition 15).

70 The proposal is considered to satisfy Policies 26B and 30 of the LDP2 2019

Natural Heritage and Biodiversity

71 LDP2 Policies 39, 40 and 41 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Plan 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.

72 The Council's Biodiversity Officer has reviewed the development proposal and despite raising initial concerns, notably in respect of the level of ecological information submitted, is now satisfied that the development can proceed subject to enhancement conditions. It is noted that the site is an existing grazed paddock with limited ecological value, the exception being the existing habitat and trees at the site periphery. As this habitat is largely to be unimpacted, much of the development, particularly the further native planting will offer an enhancement opportunity for this location. The Biodiversity Officer has therefore recommended in addition to the native planting and shrubs, that bat roosting and bird nesting boxes be placed as part of the landscape enhancement and or within any existing woodland habitat areas within the site. Conditions are therefore recommended that the mitigation measures of the preliminary ecological appraisal, dated 26 November 2020 and the supplementary letter dated 29 November 2022 are adopted and implemented, that landscaping details be submitted and agreed, and that bird and bat boxes be placed around the site. Subject to conditions noted the proposal is considered to accord with policies 39, 40 and 41 of the LDP2 2019.

73 Commentary with respect of the bat roosting potential within the existing smaller sheds onsite, which are to be removed to make way for the development proposed, has also been provided by the Council's Biodiversity Officer. Based on the site photographs the officer is satisfied the shed does not have bat roost potential and no further survey is required. The structure does not meet the survey triggers in the PKC Bat Survey Guidance.

Loss of Prime Agricultural Land and Impacts on Soils

74 Policy 50 sets out that development outside settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site

available on non-prime land. In this case the site identified as prime agricultural land, however it is located within the Settlement of Perth. Accordingly, the proposal does not conflict with Policy 50. However, and notwithstanding this point, even if the site was outside the identified settlement, it is considered that there are material circumstances which meet a specific need justifying support of this major infrastructure proposal. Given the specific locational need justification provided it is unlikely that this proposal will lead to further and excessive use of prime land elsewhere within Perth and Kinross. Nor is it obvious that the development could be located on non-prime land and still reasonably be connected to the substation.

- 75 Policy 51 seeks to ensure high quality soils are not damaged or eroded. Particularly further regard must be had with respect to proposed engineering works to be undertaken and in considering the future decommissioning of the facility, to allow its previous land use to recommence at that time. Impacts to soils from this development relate specifically to compaction and or removal from the site. Although the applicant has not stated intentions to overly compact and or excavate and damage soil from the site, an additional safeguarding condition is recommended, requiring soils which are excavated to be reused or repurposed in a suitable way and which avoids further damage. This maybe for example within the landscaped bund, thereby protecting those soil properties for later reuse (Condition 20).

Lifespan of Facility

- 76 The lifespan of the facility is not specifically stated. However, based on the expected lifespan of similar facilities approved within Perth and Kinross and the expected battery life, a lifespan of approximately 50 years is anticipated. As such, Condition 17 can require that should the energy storage facility not be in use for a continuous period of 12 months or at the conclusion of this term, that the site is then decommissioned and re-instated to its original use.

Developer Contributions

- 77 In planning policy terms, no developer contributions are triggered for this type of development. As a result, the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

Economic Impact

- 78 In the short term, construction will create jobs with scope for local employment. Beyond these opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

79 None.

DIRECTION BY SCOTTISH MINISTERS

80 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 81 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal not assessed to conflict with the development plan in this case.
- 82 Accordingly, the proposal is recommended for approval subject to the following conditions.

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 lawfully started within that period.

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

4. 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 condition 2. 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 condition 2 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.

5. The hours of construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no construction activity permitted on Sundays.

Lighting

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

Road Safety

7. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of 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 TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

8. The proposed route for any abnormal loads on the trunk road network must be approved in writing prior to any such movements being undertaken. Where any abnormal loads are required to be undertaken in implementing the development hereby approved, a written program of those movements shall be submitted to the Council as Planning Authority for approval in consultation with Transport Scotland. Thereafter, any such movements shall be undertaken in accordance with the agreed program of movements, including any mitigation measures required. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and should be included with any written program of works.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

9. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured traffic management consultant, to be approved in writing by the Council as Planning Authority for approval in consultation with Transport Scotland. The approval any such management consultant shall be agreed prior to the placement or implementation of any signage and or traffic control measures.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

External Finishes

10. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Biodiversity and Landscaping

11. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. 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, 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 visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

12. The conclusions and recommended action points within the supporting Preliminary Ecological Survey dated 26 November 2020, (Document 17) and Supporting Statement dated 29 November 2022, prepared by Overland Environmental Ltd, (Document 20), submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority. A written statement confirming and or setting out the physical means of compliance with these mitigation points shall be submitted to the Council as Planning Authority prior to works commencing onsite.

Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

13. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, 10 bird nesting boxes and 10 bat roosting boxes shall be provided within the site as part of the approved landscape scheme, (Condition 11). The size, type and locations of the nesting and roosting boxes shall be submitted to the Council as Planning Authority for approval prior their

placement onsite. Thereafter, the agreed boxes shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

Dust

14. Prior to the commencement of construction for the development a Dust Management Plan shall be submitted for the written approval of the Planning Authority, in consultation with Environmental Health. The plan shall outline all construction activities that has the potential to cause dust and shall state methods and procedures to minimise the dust.

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

Archaeology

15. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Paths

16. The right of way, located within the site access road and shown on approved drawing 22/01071/05 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

Facility Lifespan

17. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, or 50 years from the date of commencement of development, whichever is sooner, then it shall be deemed to have permanently ceased to be required. In such an event the

development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

Drainage

18. Prior to the installation of any drainage works within the development hereby approved, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

19. The discharge volume and rate from the proposed onsite drainage system shall not exceed existing greenfield levels. Compliance with this condition shall be demonstrated through the provision of a drainage report in compliance with Condition 18.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

Soils

20. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Council as Planning Authority for approval in writing. This Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed Statement.

Reason – In the interests of appropriately managing prime quality soils and minimising the long-term impacts of developing the site in accordance with Policy 51 of the LDP2.

JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material circumstances that would justify a departure from relevant policies of the LDP2 2019.

PROCEDURAL NOTES

None.

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. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
3. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
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 presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
6. 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.

7. The granting of planning permission does not stop the continued right of public access along the existing core path METH 34/15 Ruthvenpark Path. 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.
8. 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/ldp2floodrisk>
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. 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.

11. Existing buildings or structures may contain nesting birds between 1 March and 31 August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

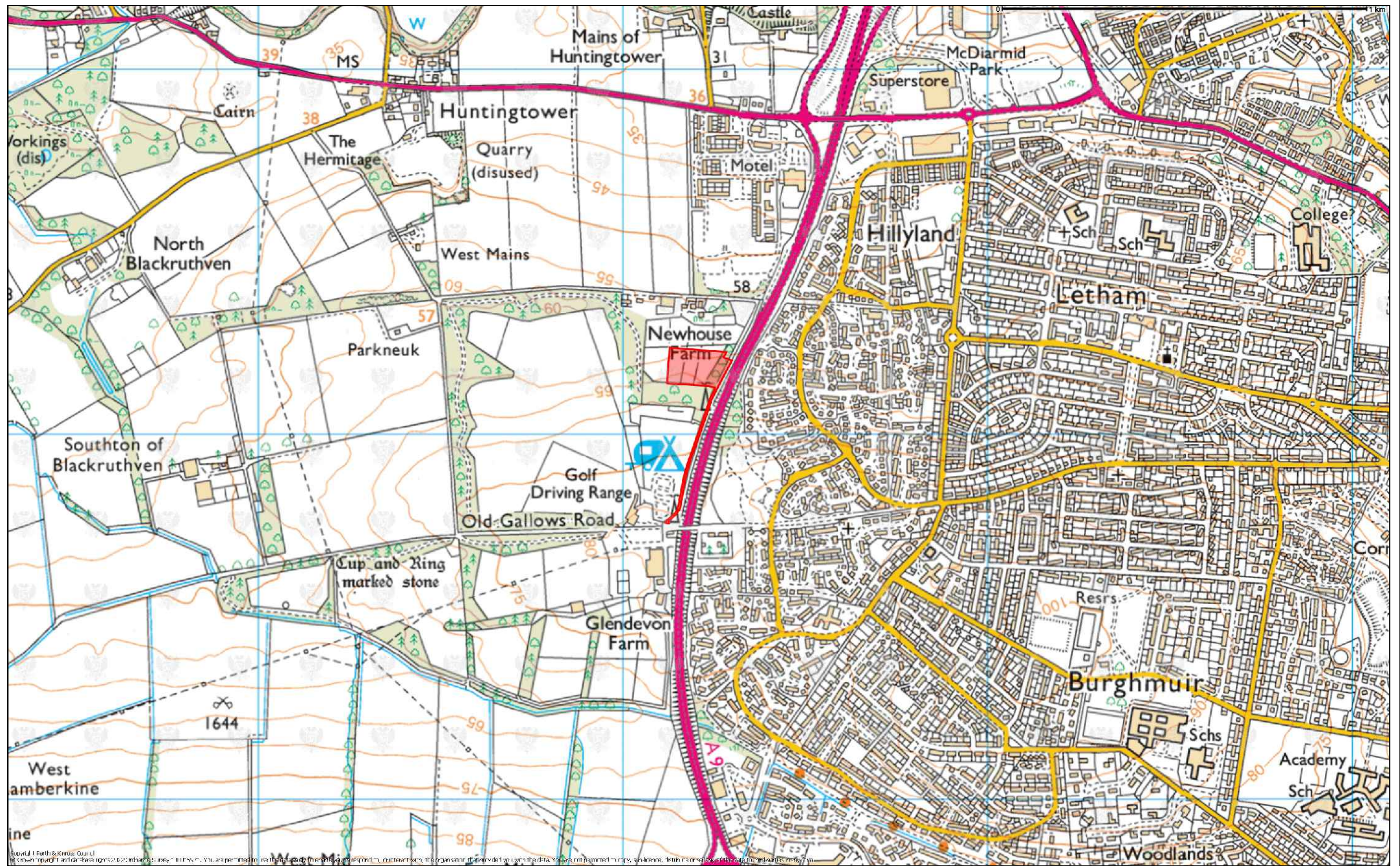
Background Papers: None
 Contact Officer: Jamie Torrance
 Date: 13 January 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee - 25 January 2023

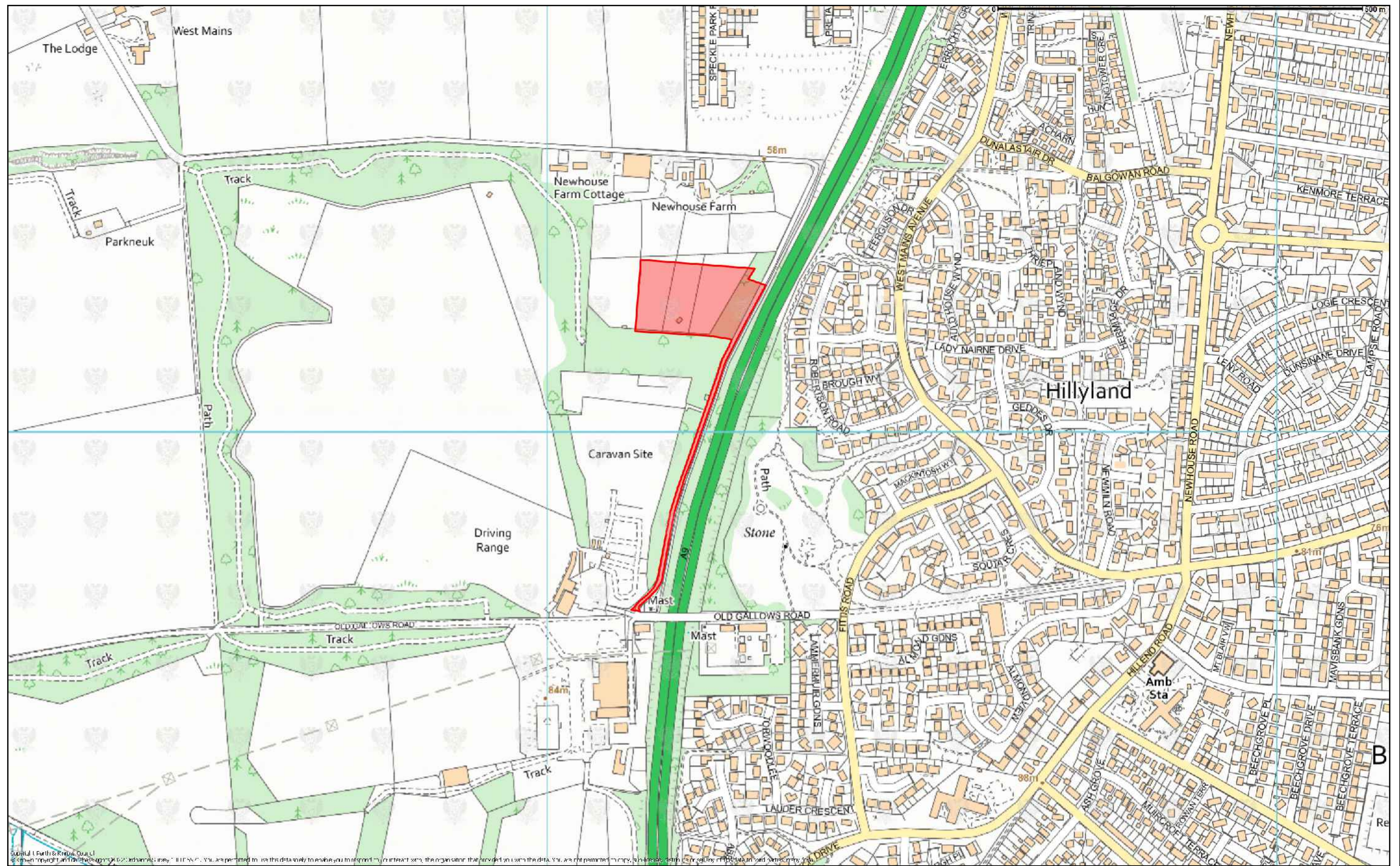
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22/01071/FLM

Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works. Land 170 Metres South of Newhouse Farm, Perth





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Planning and Placemaking Committee - 25 January 2023

Scale 1:5000



22/01071/FLM

Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works. Land 170 Metres South of Newhouse Farm, Perth



Perth and Kinross Council
Planning and Placemaking Committee – 25 January 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/03)

PROPOSAL: Erection of 20 dwellinghouses and associated works

LOCATION: Land 70 metres east of 3 Losset Park, Losset Road, Alyth

Ref. No: [22/01043/FLL](#)

Ward No: P2 – Strathmore

Summary

This report recommends approval of the application as the development is considered to comply 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 Full planning permission is sought for the erection of 20 dwellinghouses and associated works within a 1.3 hectare paddock in north east Alyth. The paddock is associated with 'The Losset', a detached dwellinghouse located to the south east of the paddock but out with the application site. The site is accessed from Losset Road which occupies the southern boundary of the application site. The site rises from Losset Road northwards by approximately 11 metres. There is a saddle in the centre of the site with level differences of approximately 1-2 metres. There are five Sitka Spruce trees located close to Losset Road. The site is surrounded by existing residential development on the north, west and east sides. Along the western boundary are no's 2-5 Losset Park, a small cul-de-sac development of modern detached houses, approved in 2000-2001, which back onto the application site. These houses sit relatively close to the application site boundary with limited rear garden ground depths. To the east is a further cul-de-sac development which is a spur of Losset Road. There are further detached properties here which overlook the site. To the north is Meethill Road which runs parallel to Losset Road, again with properties backing onto the application site. To the south, on the opposite side of Losset Road is the Diamond Jubilee Park and Play Area which includes the Jubilee Park House/Fyfe Jamieson Pavilion building.
- 2 The proposal is to form a single access at the southern edge of the site onto Losset Road. Flanking the access are two sets of semi detached affordable dwellings which are proposed to be single storey, 5.6 metres in height, two bedroom units finished in anthracite concrete tiles, white render and larch cladding. The access extends centrally into the site with a loop road proposed within the site, 11 detached dwellings are proposed on the outer

side of the loop with 5 further detached dwellings located centrally within the loop. All are proposed to front onto the loop road.

- 3 There are 6 house types proposed, all are similar in their form and scale other than House Type 4A and B which are proposed to be larger given the scale of plots 5 and 9. Each house type is generally a storey and a half in height, with upper floors served by either dormer windows or rooflights. There is a consistency in finishing materials across all plots with the finishes proposed to match the affordable units as outlined above.
- 4 A Sustainable Urban Drainage Pond (SUDS) is proposed in the south west corner of the site, adjacent to the affordable housing units. A retaining structure is proposed to the north of plots 6, 7 and 8 to take account of the slope on this part of the site.

Pre-Application Consultation

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

National Policy and Guidance

- 6 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

- 7 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.

Revised Draft National Planning Framework 2022

- 8 The revised draft 4 National Planning Statement was published on 8 November 2022 and approved at Parliament on 11 January 2023. The principal policies of this document set out to encourage, promote and facilitate development that meets with the six overarching spatial principles, which includes local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.

The Scottish Planning Policy 2014 (SPP)

- 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

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 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 13 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

- 14 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

- 15 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

- 16 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.”

Perth and Kinross Local Development Plan 2

- 17 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.
- 18 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 26B: Archaeology and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 52: New Development and Flooding

- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 19 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

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

Open Space for New Developments Supplementary Guidance 2021

- 21 This document sets out the open space requirements for new housing developments.

SITE HISTORY

- 22 None.

CONSULTATIONS

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

External

- 24 **Alyth Community Council** – Concerns expressed regarding cumulative impact with other housing developments. Concerns regarding traffic generation/safety and impact on local services/lack of drainage capacity.
- 25 **Scottish Water** – No objection but separate application required to connect to their assets.
- 26 **Perth and Kinross Heritage Trust** – Condition recommended to ensure archaeological investigation

Internal

- 27 **Community Greenspace** – No objection.

- 28 **Development Plan** – Comments provided regarding layout and open space requirements.
- 29 **Environmental Health (Contaminated Land)** – No objection.
- 30 **Transport Planning** – No objection. Road layout, parking and turning arrangements considered to be acceptable. Existing road network considered to be capable of accommodating traffic associated with both construction operations and upon completion, subject to conditions.
- 31 **Development Contributions Officer** – No contributions required.
- 32 **Affordable Housing Officer** – Provision of four on site units considered to be acceptable with fifth affordable unit being secured by a commuted sum.
- 33 **Environmental Health (Noise Odour)** – No objection.
- 34 **Community Waste Advisor - Environment Service** – No objection.
- 35 **Biodiversity/Tree Officer** – Ecological Assessment considered to be acceptable subject to a condition to secure biodiversity enhancement on site.
- 36 **Structures and Flooding** – Proposed drainage arrangements considered to be acceptable subject to a condition to secure detailed design.

Representations

- 37 Nine representations were received including one from Alyth Community Council all of which object to the proposal. The main issues raised within the representations are:
- Construction traffic impact
 - Road safety
 - Traffic congestion
 - Sewer capacity
 - Impact on trees
 - Impact on local services (health care/refuse/education)
 - Impact on landscape
 - Noise pollution
 - Light pollution
 - Adverse effect on visual amenity
 - Flood risk
 - Inappropriate land use
 - Loss of open space
 - Out of character with area
 - Overlooking
 - Air pollution
 - Overdevelopment
 - Loss of agricultural land
 - Not allocated for development in Local Development Plan

- Cumulative impact with other ongoing housing developments

38 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

39

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted/Not Required/Not applicable
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecological Survey Supporting Planning Statement Tree Survey

APPRAISAL

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

Principle

41 Alyth is identified as a settlement within the Perth and Kinross Local Development Plan 2 (2019) and is identified as "white land" where Policy 17 applies. This states that infill residential development will be appropriate subject to it reflecting the character, layout and amenity of the area. Policies 1A and B echoes this and states that new development should complement its surroundings in terms of form, appearance, height, scale, massing, materials, finishes and colours, amongst other criteria.

42 Whilst the application site is currently used as a paddock and does provide an attractive green space close to the edge of the settlement it does not have any formal designation with the LDP2 and therefore there is no protection offered to the site in planning policy terms as would be the case if the site had been designated as open space, such as like the Diamond Jubilee Park has been to the south. Furthermore, the site has been used previously for agricultural purposes but given the sites location within a settlement, close to existing services it is considered to be appropriate for residential development. The agricultural use of the site can be catered for elsewhere out with the settlement.

- 43 The general principle of the residential development is therefore acceptable given the proposal for infill development and the proposal and is considered to accord with Policy 17 of the LDP2. An assessment of the design and layout along with other technical matters including drainage, access, residential amenity and ecology is provided below.

Design and Layout

- 44 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 45 Furthermore, through Creating Places 2013, Scottish Ministers set out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.
- 46 The character of the area is relatively uniform, with detached properties located to the west and east of the site, both served by cul-de-sacs and properties to the north and south fronting onto both Losset Road and Meethill Road. Plot sizes are relatively consistent and generally quite large reflecting the relatively open feel to this edge of settlement location.
- 47 The proposal includes a number of varying plot sizes which range from smaller plots to accommodate the two bedroom affordable units which are approximately 270sqm each. The remaining plots range from 300sqm to 1115sqm providing a range of house plots sizes. Each house is to be provided with a driveway and parking area to the side of the house to avoid car orientated frontages.
- 48 The plot sizes proposed in this instance are considered acceptable as they exceed the standards of the Placemaking Supplementary Guidance in terms of overall plot footprint and provision of garden ground and are not out of context with existing house plots in the area. Overall, the site layout proposed is considered be relatively low density.
- 49 There is only one available access and egress point for the site at Losset Road and therefore the use of a loop road layout is considered to be appropriate as it avoids any cul-de-sac/dead end arrangements which would not meet the Council's Placemaking Supplementary Guidance.
- 50 In terms of design the houses are proposed to be storey and half with either dormer windows or rooflights serving upstairs accommodation. A total of six differing house types are proposed to enable variation across the site. The design form and scale of the proposed dwellings is considered to be consistent with other dwellings in the locality, reflecting the established character. A consistent palette of materials across the site is proposed including anthracite roof tiles, white render and larch cladding.

- 51 As mentioned above given the topography of the site and the steep slope at the northern end, a retaining structure is proposed behind plots 6, 7 and 8. Clarity has been provided on the design and form of this structure in the form of sectional drawings. This is proposed to be a stepped structure which will help to limit its bulk and mass when viewed from the rear of plots 6-8. The structure is proposed to be planted to help to soften its appearance.
- 52 It is considered that the layout is not an overdevelopment of the site and reflects the general character and layout of the surrounding built form. The design and scale of development proposed is therefore considered to comply with Policies 1A and B, which relate to placemaking, and the criteria outlined in Policy 17 for residential areas of LDP2.

Residential Amenity

- 53 Policies 1A and B require any development to not detrimentally impact on residential amenity and to ensure any occupiers of new development have an adequate level of residential amenity.

Impacts on adjoining properties

- 54 The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development, those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.
- 55 The Council's guidance generally seeks to ensure there is a minimum distance of 9m from windows to boundaries in order to mitigate overlooking from new development. In this instance the layout has been formed to take account of these requirements and the window to boundary distances are marked on the submitted site plan. Furthermore plots 1-4 along the western boundary of the site have been set back into the site to take account of the properties to the west at Losset Park being located so close to the boundary. This enables the required 18 metres from window to window to be achieved which is considered to be sufficient to mitigate overlooking.
- 56 There are not considered to be any overlooking concerns from the other plots. Plots 5-9 sit substantially lower in the site than the neighbouring properties which will ensure they do not overlook the neighbours. Furthermore, these properties also meet the Placemaking Supplementary Guidance which require 9m window to boundary distances. The remaining plots, located within the loop, and the affordable units to the south of the site, have all been oriented to meet the Placemaking Supplementary Guidance requirements in terms of window to boundary and garden ground sizes.

Daylight/Overshadowing

- 57 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration.
- 58 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practise determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect. Having carried out an assessment of the proposed development the height of the proposed buildings does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is thus considered acceptable in terms of its impact on daylight.

Private Amenity Space

- 59 The extent in which private amenity space is used relates specifically to the dwellings occupant. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless, it is important to seek an outside area that can perform the minimum to be expected of a garden i.e., clothes drying, dustbin storage and sitting out. Each house is provided with an adequate level of garden ground for the size of house and meets the Placemaking Supplementary Guidance in terms of garden ground.
- 60 Overall, the development is considered acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the Local Development Plan where it relates to residential amenity.

Landscaping and Trees

- 61 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which can absorb the development proposed and that development contributes positively to the surrounding built and natural environment. Policy 40B requires applications to be accompanied by a tree survey where there are existing trees on a site.
- 62 A Tree Survey accompanies the application and makes reference to a total of 19 trees, however the majority of these trees are located within the grounds of The Losset which is actually outwith the planning application site to the south east. The only trees located within the application site are trees T1343-B1 located in the south west corner and trees T1433-C1 and T1432-U located adjacent to the main access into the site. All of these trees are Sitka Spruce. The trees at the access are proposed to be felled to accommodate the access and both are described within the tree survey to be in poor condition with limited life span. The Sitka Spruce in the south west corner is proposed to be

retained. The level of felling, given the condition of the trees is considered to be acceptable.

- 63 A condition is recommended to ensure the mitigation contained within the tree report and tree protection measures are implemented (Condition 4). The proposal also includes a detailed landscaping scheme including provision of a landscape belt around the edge of the site to aid in protected species movement across the site. A further condition requiring the implementation of the landscaping plan is also recommended, to compensate for the tree loss (Condition 5).
- 64 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

Open Space

- 65 The Council's Open Space for New Developments Supplementary Guidance 2021 outlines the situations in which public open space is required within new housing development sites. The SG makes it clear that open space within new development sites is only required depending on the proximity of the development to existing provision. It outlines a series of accessibility benchmarks which outline how close an individual should be to a public park, playground, playing field and path/green corridor. In this instance the application sits immediately adjacent to the Diamond Jubilee Park which is located on the opposite side of Losset Road to the south of the site. This park includes a large recreation ground and play area. The presence of the adjacent large park is considered to be sufficient to cater for the future residents of the application site and therefore an area of landscaped open space is not considered to be necessary.
- 66 Nevertheless, the proposal includes a landscaping belt around the site together with a planted SUDS pond area and small area of landscaping to the south of plot 16 which are considered to be appropriate in terms of general landscaping provision on site. A condition is recommended to ensure the landscaping and planting is implemented (Condition 5).

Traffic and Transport

- 67 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements. The proposed access is to be taken from Losset Road on the southern boundary of the site. This is an adopted public road which provides a westwards connection towards central Alyth and onto the B952 Commercial Street. This provides connections to the north and also to the south towards the A926 (Blairgowrie to Forfar) . The existing public road network has been reviewed by Transport Planning and is considered to be capable of accommodation the traffic associated with this 20 house development.

- 68 Each dwelling is provided with an appropriate parking and turning area in accordance with policy and guidance. Transport Planning have offered no objection to the application.
- 69 A Construction Traffic Management Statement will be required by condition, to ensure that construction traffic movement impacts are managed. (Condition 10).
- 70 Furthermore, a Residential Travel Plan will also be required by condition to encourage occupiers of the site to utilise sustainable means of transport. (Condition 12).
- 71 The proposal therefore complies with Policy 60B of the LDP2.

Pedestrian Linkages

- 72 As mentioned elsewhere there is only one point of access into the site with the remainder of the site enclosed by existing housing. Losset Road to the south is identified as part of the core path network between Alyth and Glenisla golf course to the east and the footway network proposed within the site connects directly onto the core path. A crossing point is proposed over the vehicular access to ensure users of the core path are catered for in accordance with the requirements of Policy 15 of the LDP2. For the avoidance of any doubt a condition is recommended to ensure that the core path is not obstructed during construction works (Condition 8).

Ecology

- 73 Policy 41 of the LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 74 The submission includes an Ecological Assessment which has been reviewed and accepted by the Council's Biodiversity Officer. It states that the site is limited ecological value given its grassland nature. It does, however recommended bio diversity enhancement measures including provision of bird and bat boxes within the development and landscape connectivity. The enhancement measures can be secured by condition (Condition 6).
- 75 Subject to these conditions it is considered that the proposal will meet the requirements of Policy 41 of LDP2 in relation to ecology.

Foul Drainage

- 76 The proposal is to connect the development to the Scottish Water foul drainage infrastructure which is appropriate and accords with the requirements of Policy 53B of the LDP2. However, a separate application process to Scottish Water is required to connect to their assets. An informative is recommended to make the developer aware of the requirement for a separate application to Scottish

Water. The applicant has had discussions with Scottish Water during the assessment of the application given the concerns which have been expressed in letters of representation and following this Scottish Water have indicated that there is sufficient capacity with the public drainage system to accommodate the development.

- 77 The proposal is therefore considered to comply with the requirements of Policy 53B relating to foul drainage.

Surface Water Drainage

- 78 Surface Water Drainage is proposed to be catered for utilising a Sustainable Urban Drainage System which accords with the requirements of Policy 53C of the LDP2. This includes a SUDS pond in the south west corner of the site between plots 1 and 17. An infiltration trench on the eastern side of the access road adjacent to plot 19 is also proposed. The Structures and Flooding Team have indicated that this is acceptable and that the detailed design of the system can be secured by an appropriately worded condition (Condition 7). Furthermore, a temporary construction surface water drainage facility will also be secured by condition (Condition 13) to ensure surface water issues during construction can be appropriately dealt with.

Affordable Housing

- 79 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 80 The Affordable Housing requirement is therefore 5no units (20 x 0.25).
- 81 The site is located in the Strathmore Housing Market Area. In line with the Developer Contributions & Affordable Housing Supplementary Guidance (SG), on-site provision is preferred for larger developments (20+ houses or over) in Auchterarder, Blairgowrie, Crieff, Kinross, Milnathort, Perth (excluding city centre) and Scone and 10 houses or over elsewhere.
- 82 The proposal involves the provision of four affordable units at the southern end of the site adjacent to the access (plots 17-20). A condition is recommended to ensure these are occupied as affordable housing units in accordance with the SG (Condition 14). The Council's Affordable Housing Enabler has confirmed that the provision of four units on site and the payment of a commuted sum for the fifth required unit is acceptable. The commuted sum within the Strathmore Housing Market Area is £15,000. The required commuted sum must be secured prior to any decision notice being issued.

Developer Contributions

- 83 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be

operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

- 84 This proposal is within the catchment of Alyth Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no developer contributions are required.
- 85 The site is located out with the areas where transportation contributions are required.

Waste

- 86 Waste storage facilities are proposed within each plot. Furthermore, swept path details for waste vehicles have been provided and are acceptable. Therefore, the arrangements for waste storage and collection are appropriate.

Low Carbon Technology

- 87 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology.
- 88 The properties will need to meet the standard required under Scottish Building Standards and it is recognised that the Policy 32 requirement can be technically achieved. The exact nature and specification of these technologies can be verified prior to development commencing, and for the technology to be in place prior to occupation of the buildings to ensure the objectives of LDP2 Policy 32 are met (Condition 9).

Archaeology

- 89 Perth and Kinross Heritage Trust have indicated that the application site has archaeological potential and therefore in accordance with the requirements of Scottish Planning Policy (SPP) and Policy 26B of the LDP2, they have recommended that an archaeological investigation is undertaken. This can be secured by condition (Condition 3).

Light Pollution

- 90 Whilst the development will result in additional lighting this is not considered to significantly alter light levels in the area given the location of the site within an existing settlement and therefore the light levels apparent from the site are not considered to be detrimental to the amenity of the area.

Air Pollution

- 91 The application site is located outwith the Air Quality Management Areas within Perth and Kinross and therefore there are not considered to be any significant concerns relating to air quality in this area. Nevertheless, a Construction

Management Plan will be secured by condition to ensure dust is managed appropriately during construction (Condition 11)

Cumulative Impact with Other Developments

- 92 The Planning Act dictates that every development must be considered on its own merits. For the reasons outlined above this proposal is considered to comply with the requirements of the LDP2. Whilst there may be a degree of impact in terms of construction traffic and how this will relate to other ongoing developments in the local area, the impact which this has can be suitably managed and controlled through the use of a Construction Traffic Management Plan as required by Condition 10.

Health Care

- 93 There is an existing health centre within Alyth on New Alyth Road. There is no information to suggest that there is a capacity constraint at the local health centre at this time.

Construction Management

- 94 It is unfortunately inevitable that construction operations will result in a degree of disturbance to the local area but this is for a temporary period only. Therefore, in order to limit this as much as possible a Construction Management Plan will be secured by condition (Condition 11).

Economic Impact

- 95 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 96 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 changes to the affordable house types at plots 17-20 to reduce these in scale from two storey to single storey. Some other minor amendments were made to the layout to improve landscaping provision.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 97 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 98 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.

- 99 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

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.

2. 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.

3. Development shall not commence until the developer has secured 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. 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 – The site lies adjacent to an area of archaeological interest.

4. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason – To ensure the protection of retained trees on site.

5. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 40 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

7. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control.

All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason – To ensure the provision of effective drainage for the site.

8. The asserted right of way/core path shown which runs along Losset Road on the immediate boundary of the site must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason – To ensure continued public access to the public paths and in the interests of public safety within the site.

9. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates 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 for each building:

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 and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

10. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a 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 TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interests of pedestrian and traffic safety.

11. Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Council as Planning Authority. The CMP shall detail required mitigation measures and construction method statements, including specific measures for monitoring during construction. The CMP should include detailed pollution avoidance measures and dust control measures for all construction elements. The CMP, as approved in writing, shall be strictly adhered to for the duration of the construction phase of the development.

Reason – To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on neighbours, general public and the wider environment.

12. Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

13. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented in full.

Reason – To ensure surface water drainage is adequately managed during construction operations.

14. The onsite affordable units hereby approved (Plots 17, 18, 19 and 20) shall be occupied solely for the purposes of affordable housing, as defined within the Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 and Policy 20 of the Perth and Kinross Council Local Development Plan 2 (2019), to the satisfaction of the Council as Planning Authority.

Reason – To comply with the Council's policy on affordable housing.

JUSTIFICATION

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

PROCEDURAL NOTES

No permission should be issued until the commuted sum relating to Affordable Housing provision (£15,000) has been paid in full.

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. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. 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.

7. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. An approved Street Lighting design is required please contact Perth & Kinross Council Street Lighting department for further details.
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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. Please note that a fee is chargeable for the processing of RCC applications.
12. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.

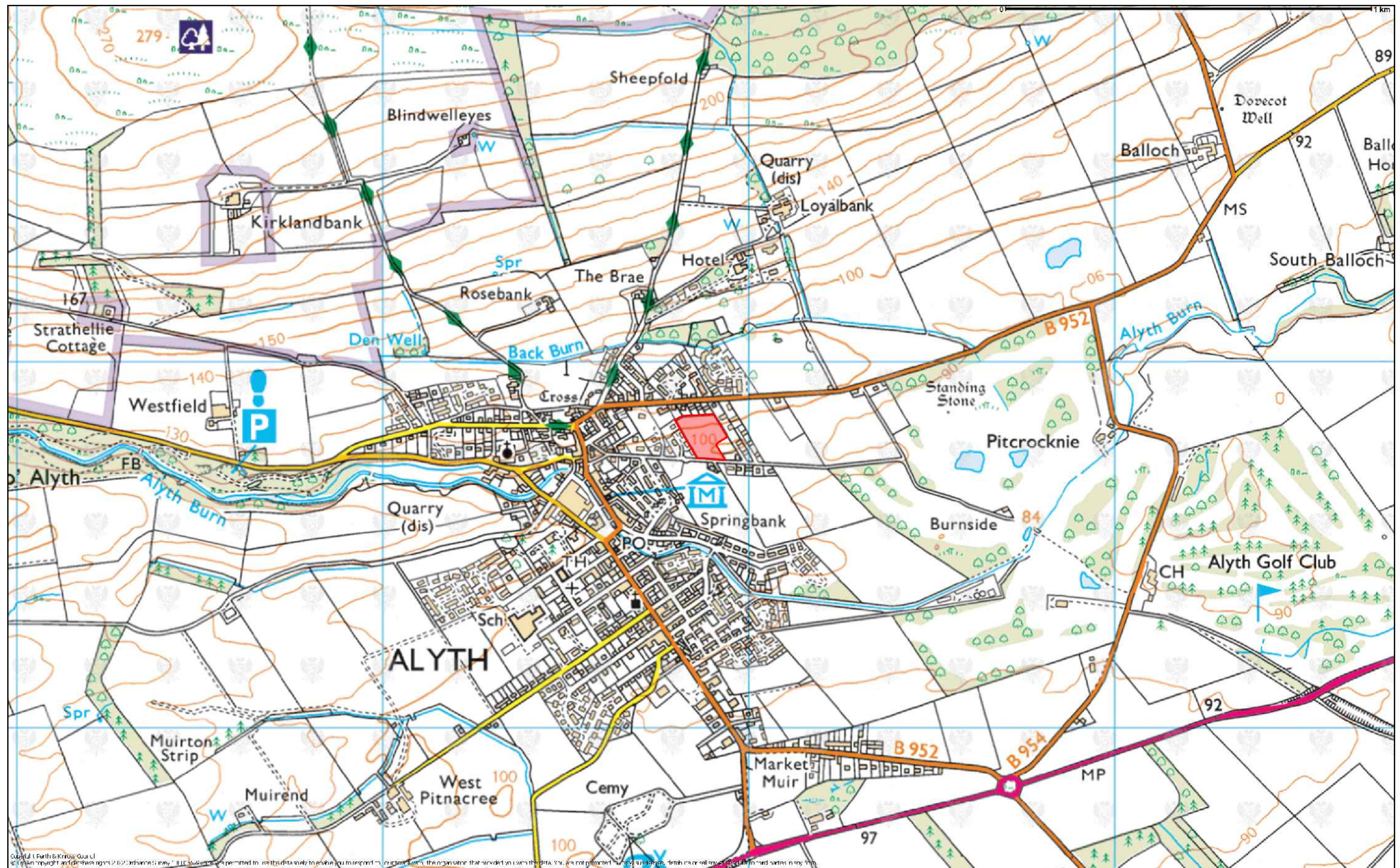
Background Papers: 9 letters of representation
Contact Officer: John Williamson
Date: 13 January 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking
Committee - 25 January 2023

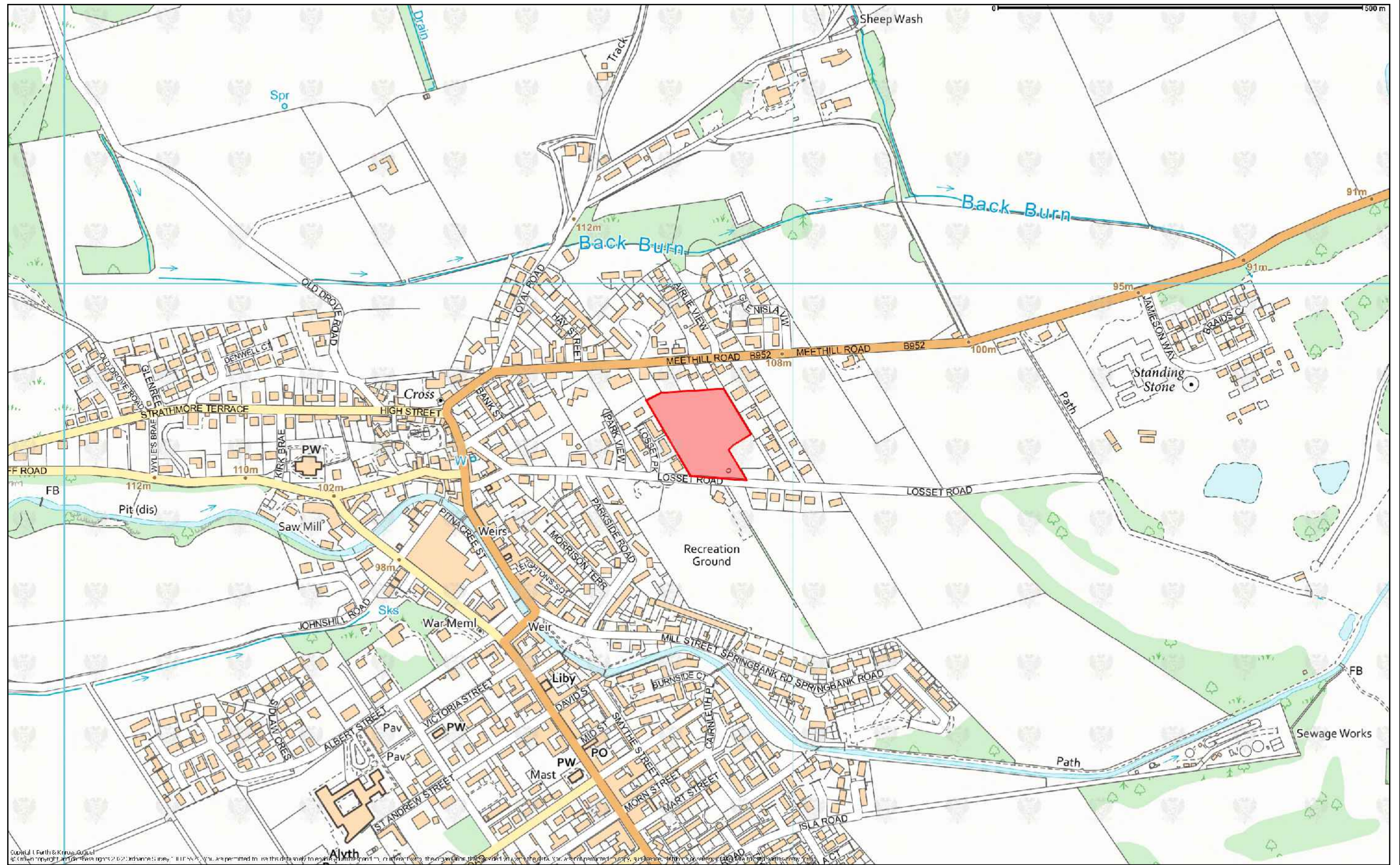
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22/01043/FLL

Erection of 20 dwellinghouses and associated works, Land 70 Metres East of 3 Losset
Park, Losset Road, Alyth





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Planning and Placemaking Committee - 25 January 2023

Scale 1:5000



22/01043/FLL

Erection of 20 dwellinghouses and associated works, Land 70 Metres East of 3 Losset Park, Losset Road, Alyth



Perth and Kinross Council
Planning and Placemaking Committee – 25 January 2023
Pre-Application Report by Head of Planning and Development
(Report No. 23/4)

Installation of a 49.9MW ground-mounted solar array and associated works, land
500 metres north-west of East Saucher House, Kinrossie

Ref. No: [22/00022/PAN](#)
Ward No: P2- Strathmore

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development comprising a 49.9MW ground-mounted solar array and associated works west of Saucher, Kinrossie. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 15 November 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for land 500 Metres North-West of East Saucher House, Kinrossie. This pre-application reports give the Committee an opportunity to raise issues which it would like to see considered in the planning application.
- 2 This PoAN advises of a major development comprising the installation of an up to 49.9MW ground-mounted solar array and associated works. The exact scale and design of the development will be arrived at during ongoing discussions with the applicant and are not provided at this time.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal, it will require to be screened as to whether it is an EIA development under the EIA 2017 Regulations.

PRE-APPLICATION PROCESS

- 4 The PoAN confirms that two public consultation events will be held at the Three Witches café in Burrelton on 14 and 29 March 2023.

- 5 The Burrelton and District Community Council that formally represent this area has been disbanded. The applicant therefore proposes establishing a community liaison group consisting of residents within 2km of the site. In addition, Kettins Community Council and Blairgowrie Community Council have been notified. Inchtute Community Council, being one of the areas closest and most likely to be impacted by the proposal, will also be notified. The Ward Councillors, local MSP and local MP have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Framework (NPF3) 3, Revised Draft National Planning Framework (NPF4) 4, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 7 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.
- 8 The NPF4 was laid before the Scottish Parliament on 8 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration. However, in the event that it is adopted prior to or during the submission of any forthcoming planning application, NPF4 will form part of the statutory development plan and will require to be considered in the determination of the application.

The Scottish Planning Policy 2014 (SPP)

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

- 10 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 11 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 12 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing Tayplan’s Assets

Perth and Kinross Local Development Plan 2019

- 13 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 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.”
- 15 Under the LDP2, the following policies are of particular importance in the assessment of this application:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements

- Policy 8: Rural Business and Diversification
- Policy 26B: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

OTHER POLICIES

- 16 The following supplementary guidance and documents are of particular importance in the assessment of this application:

- Placemaking Supplementary Guidance (2020)
- Landscape Supplementary Guidance (2020)
- Flood Risk and Flood Risk Assessments Supplementary Guidance (2021)
- Green and Blue Infrastructure Supplementary Guidance (2020)
- Renewables and Low Carbon Energy Supplementary Guidance (draft 2019)
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 17 No relevant site history.

CONSULTATIONS

- 18 As part of the planning application process the following would be consulted:

External

- Scottish Environment Protection Agency (SEPA)
- NatureScot
- National Grid
- Scottish Water
- Transport Scotland

- Perth and Kinross Heritage Trust
- Kettins Community Council
- Inchtute Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed include:
- a. Landscape and visual impact, including cumulative impacts
 - b. Relationship to nearby land uses and landscape
 - c. Biodiversity and ecology
 - d. Flood risk and drainage impacts
 - e. Transport impacts
 - f. Archaeology and cultural heritage
 - g. Impacts on core paths and recreational spaces
 - h. Impacts on the National Grid and or Scottish Gas network

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Tree and Woodland Survey
 - Habitat Survey
 - Archaeological Assessment
 - Sustainability Assessment
 - Noise and Light Assessment
 - Grid Connection Site Survey
 - Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

- 21 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

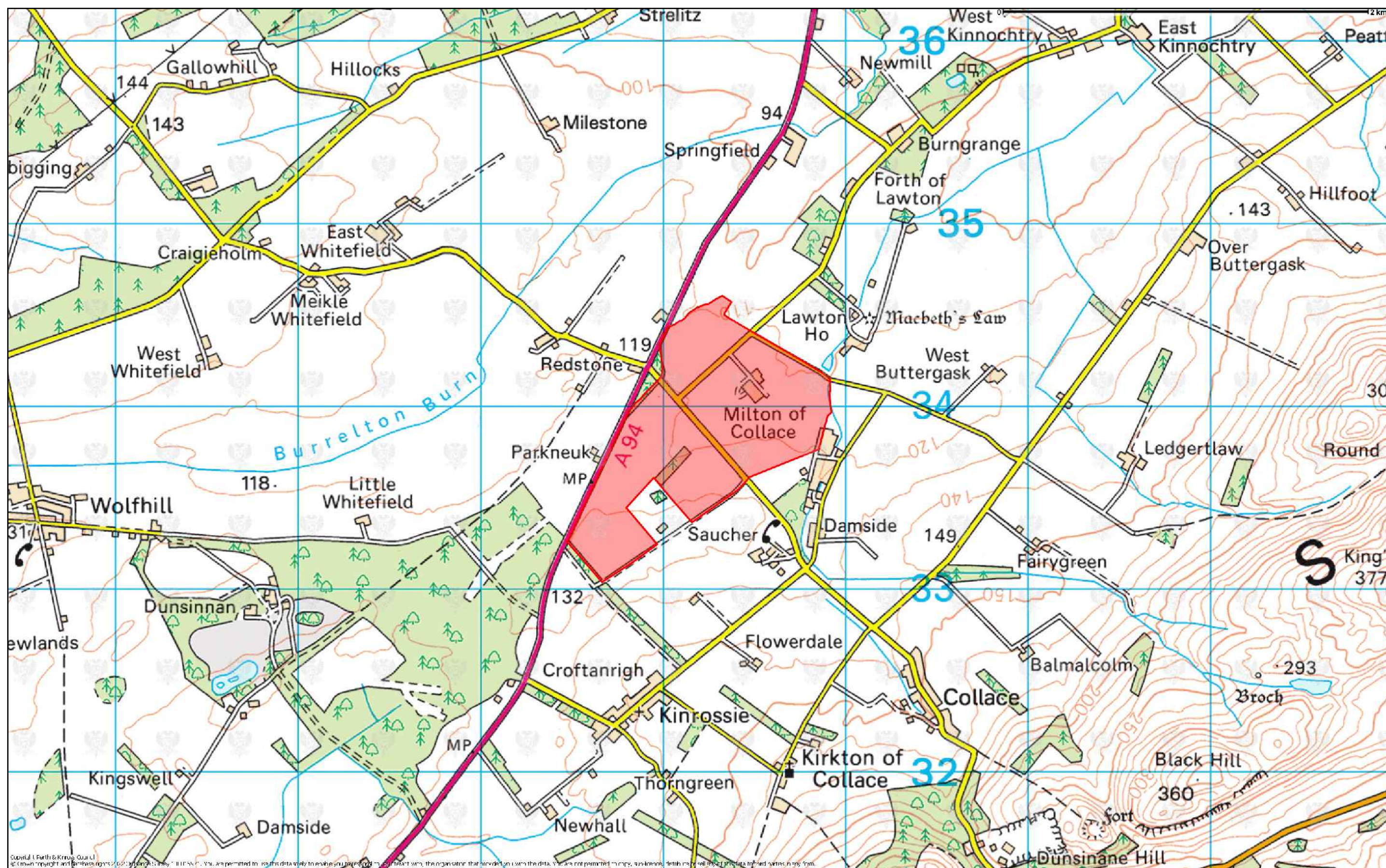
Background Papers: None
Contact Officer: Alex Gudgeon
Date: 13 January 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee - 25 January 2023

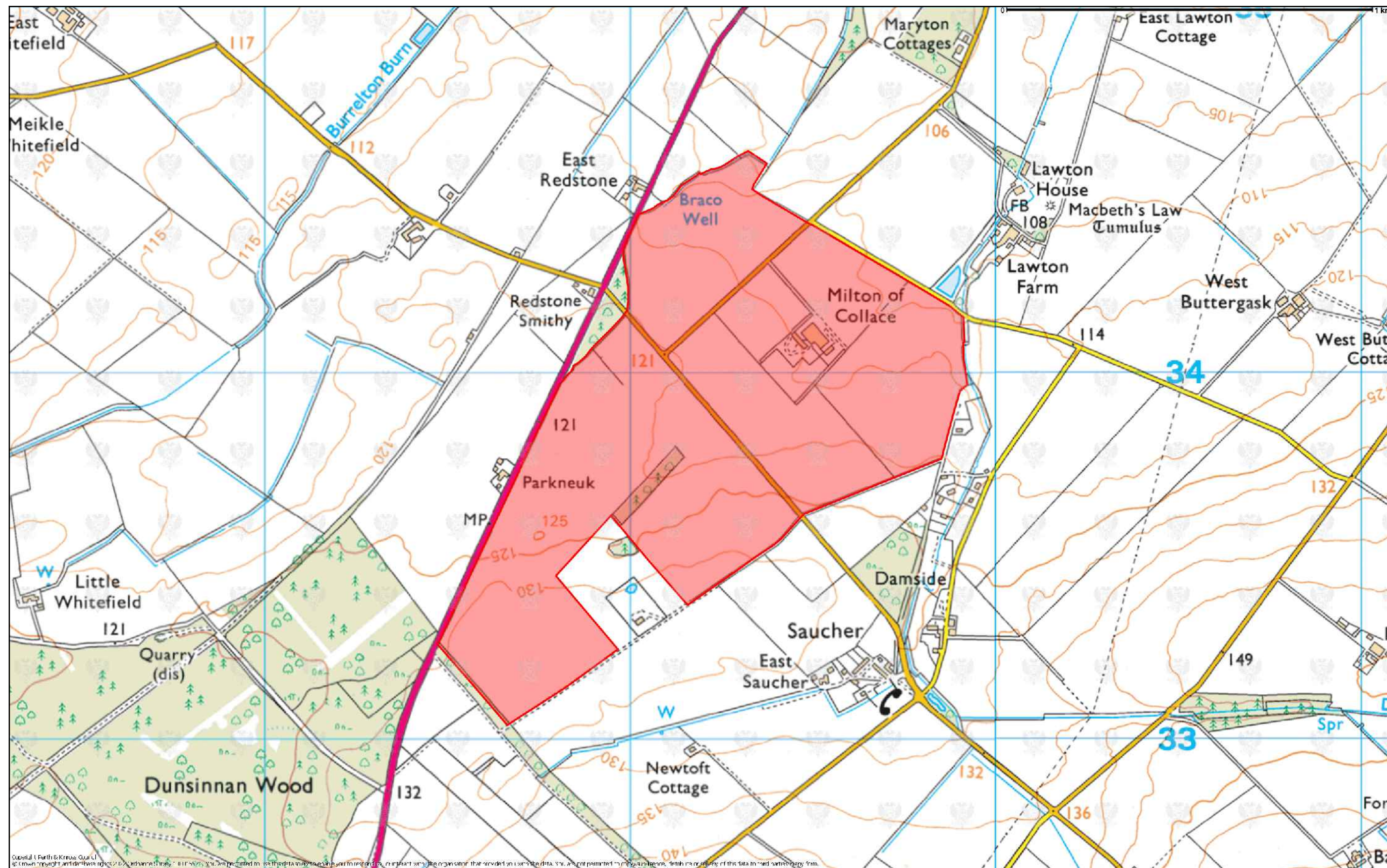
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22/00022/PAN

Installation of a 49.9MW ground-mounted solar array and associated works at Land 500 Metres North West Of East Saucher House Kinrossie.





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Perth and Kinross Council
Planning & Placemaking Committee – 25 January 2023
Pre-Application Report by Head of Planning and Development
(Report No. 23/5)

Installation of a battery energy storage facility with associated access and infrastructure, land 600 metres north-east of Cordon Farm, Abernethy

Ref. No: [22/00026/PAN](#)

Ward No: P9 – Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the Installation of a 30-Megawatt (MW) grid connected battery energy storage facility along with ancillary infrastructure and access, approximately 1.2km north of Abernethy. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant submitted a Proposal of Application Notice (PoAN) on 6 of December 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for Elgin Energy EsCo Ltd, comprising a 30-Megawatt (MW) battery energy storage facility along with associated access and infrastructure. This pre-application report gives the Committee an opportunity to raise issues which it would like to see considered in the planning application.
- 2 The exact scale and design of the development will be arrived at during ongoing discussions with the applicant and are not provided at this time.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening application has not yet been received or undertaken and this matter will be raised with the applicant in due course.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that two public events are to be held. One online event on 19 January 2023, followed by an in-person event on 15 February 2023 at Williamson Hall, Kirk Wynd, Abernethy. The Ward Councillors as well as the Abernethy and District Community Council have all been notified. Subsequent notifications will also be provided to the Local MP and MSP. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the finalised draft of the NPF 4, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

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

The Scottish Planning Policy 2014 (SPP)

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Delivering Heat and Electricity: Paragraphs 152 -174
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 1/2013 Environmental Impact Assessment

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

- 9 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 10 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 - Location Priorities
- Policy 2 - Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing Tayplan’s Assets

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 12 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.”

- 13 Under the LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26B Archaeology

- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 37: Management of Inert and Construction Waste
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 14 The following supplementary guidance and documents may be of particular importance in the assessment of this application:

- Placemaking Supplementary Guidance March 2020
- Landscape Supplementary Guidance February 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
- Perth and Kinross Green and Blue Infrastructure (2020)
- Renewables and Low Carbon Energy (draft)
- Perth and Kinross Community Plan 2013/2023
- Air Quality and Planning Supplementary Guidance, March 2020
- Planning For Nature, Development Management and Wildlife, April 2022 (Non Statutory)

PLANNING SITE HISTORY

- 15 None.

CONSULTATIONS

- 16 As part of the planning application process the following would be consulted:

External

- Scottish Environment Protection Agency (SEPA)
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust
- Historic Environment Scotland
- Abernethy and District Community council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Contributions Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which the eventual application will be assessed include:
- Planning Statement
 - Impacts on local Archaeology in the area
 - Impacts on Core Paths ABNY/109 and ABNY/122
 - Noise and Light from Operation on nearby residents
 - Biodiversity impacts, including protected species
 - Flood and drainage impacts
 - Landscape and visual impacts, including on the Local Landscape Area
 - Traffic and Transport Impacts
 - Economic Impacts and Low Carbon Technology

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 18 The following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Noise and Light Assessment
 - Grid Connection Site Survey
 - Construction Traffic Management Plan
 - Habitat survey, including protected species
 - Construction Method statement

CONCLUSION AND RECOMMENDATION

- 19 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

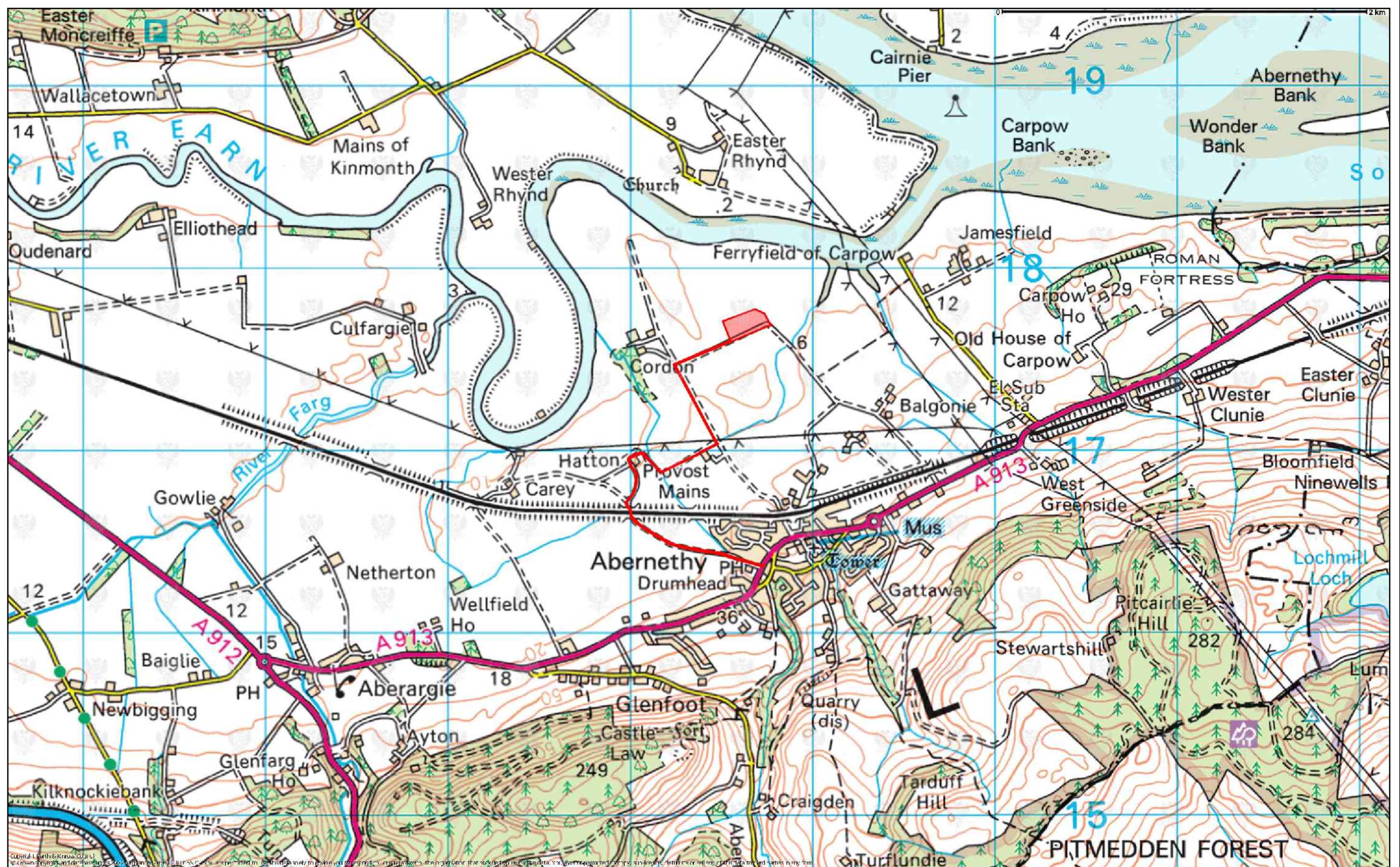
Background Papers: None
Contact Officer: Jamie Torrance
Date: 13 January 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee - 25 January 2023

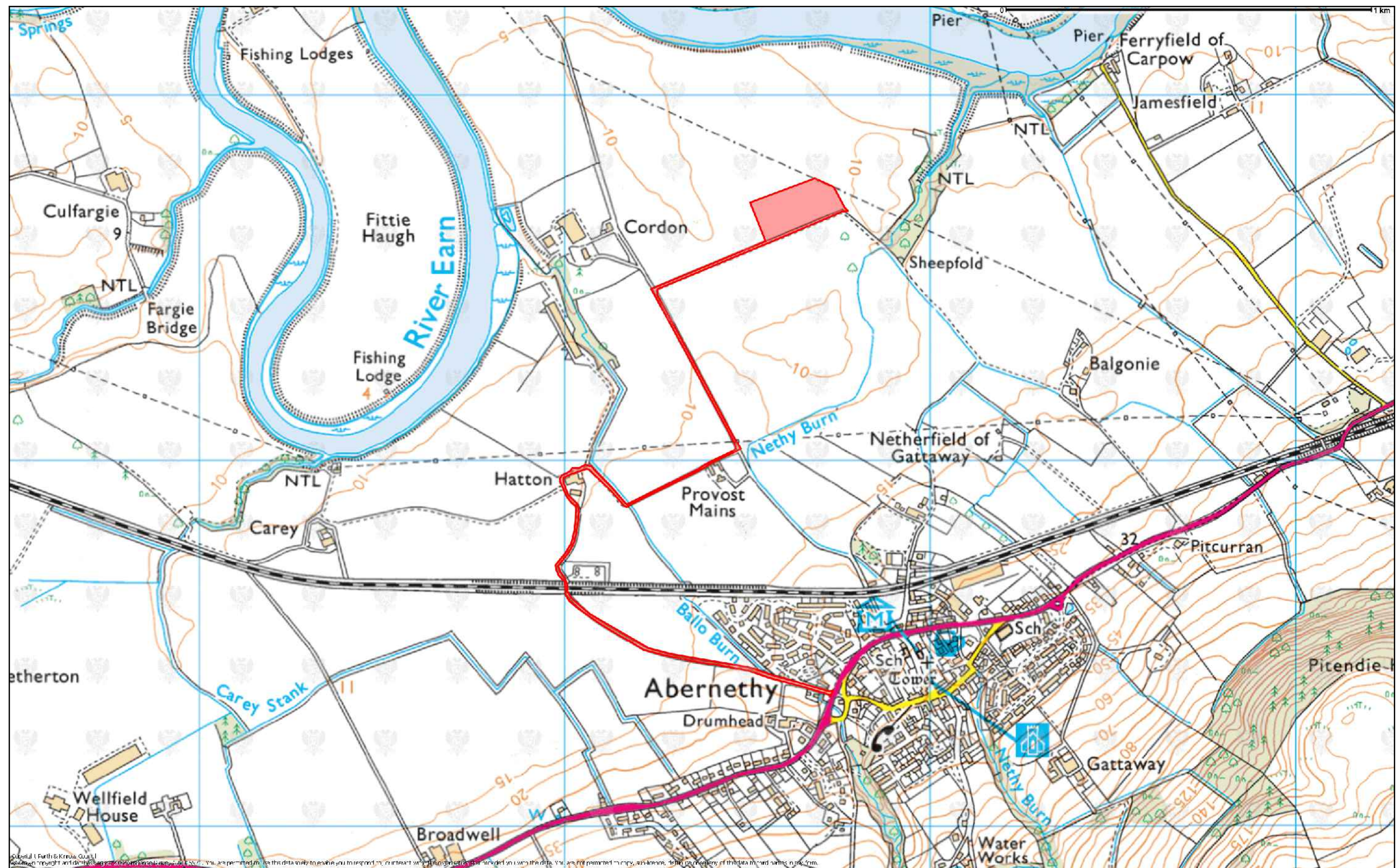
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22/00026/PAN

Formation of 30MW battery storage facility with associated access and infrastructure Land 600 Metres North East Of Cordon Farm Abernethy





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Planning and Placemaking Committee - 25 January 2023

Scale 1:10000



22/00026/PAN

Formation of 30MW battery storage facility with associated access and infrastructure Land 600 Metres North East Of Cordon Farm Abernethy



