

Perth and Kinross Council
Planning and Placemaking Committee – 22 February 2023
Report of Handling by Head of Planning & Development
(Report No 23/63)

PROPOSAL: Section 42 application to modify condition 10 (noise mitigation) of permission 20/00169/AMM

LOCATION: Morris Leslie, Errol Airfield, Grange, Errol, Perth, PH2 7TB

Ref. No: [22/01827/AMM](#)

Ward No: P1- Carse Of Gowrie

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 This application seeks a further Approval of Matters Specified in Conditions (AMSC), subject to the same proposal approved in 16/00999/AMM for 240 dwellings, a local centre, sports pitch and play area. The applicant is requesting to formally amend Condition 10 (Noise Mitigation) of that permission, which currently reads as follows:
- 2 *The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.*
- 3 *Reason: To ensure a satisfactory standard of local environmental quality.*
- 4 The site is located within the settlement boundary of Grange/Errol Airfield in the Perth and Kinross Local Development Plan 2 2019 (LDP2) and is recorded as having planning permission for housing. The predominantly flat site extends to approximately 58.3 hectares, 0.75km north east of Errol village. It forms part of the disused Errol Airfield facility which provides buildings for small businesses and there are some residential properties to the north of the site.
- 5 The site is bound to the north by the C484 Errol to Grange road, to the east by the remaining airfield area and to the west by a burn and farmland. The south of the site is contained by reed beds and the River Tay, which is a designated Special Protection Area (SPA), is a further 300 metres away. Access to the site will be via a new main access road to the west that was also approved

under 16/01491/FLL in July 2017. Development of the road has commenced and now provides access to a new temporary medical centre approved under 18/00628/FLL.

- 6 Planning Permission in Principle (PPP) was approved in October 2010 (05/02418/IPM) and extended in January 2014 (13/01823/FLM). Detailed permission was granted in July 2017 for 240 dwellings, a local centre, sports pitch and play area within the northern half of the PPP site (16/00999/AMM). Development of this site has commenced with the establishment of the approved acoustic bund along the northern boundary of the site with existing commercial businesses, including Tayside Granary and some residential properties.

Environmental Impact Assessment (EIA)

- 7 An EIA Report was not required to be submitted with the proposal as the nature and type of proposal falls below the EIA thresholds

Pre-Application Consultation

- 8 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 16/00999/AMM and there is no further PAC needed procedurally in relation to this Section 42 application.

National Policy and Guidance

- 9 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 4

- 10 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document.

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN1/2011 Planning and Noise
 - PAN 40 Development Management

Creating Places 2013

- 13 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

- 14 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.

DEVELOPMENT PLAN

- 15 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development 2 (2019)

- 16 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 17 The principal relevant policies are, in summary;
1. Policy 1A: Placemaking
 2. Policy 1B: Placemaking
 3. Policy 17: Residential Areas
 4. Policy 56: Noise Pollution

Site History

- 18 [05/02418/IPM](#) Development of sustainable village. Approved against recommendation by Development Control Committee November 2008 with decision issued after the signing of a Legal Agreement October 2010.
- 19 [13/01823/FLM](#) Variation of condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.
- 20 [16/00999/AMM](#) Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of open space/play provision, associated infrastructure and other associated works (approval of matters specified in conditions 13/01823/FLM). Approved by Planning & Development Management Committee July 2017.

- 21 [16/01491/FLL](#) Formation of access, landscaping and associated works in association with 16/00999/AMM. Approved by Planning & Development Management Committee July 2017.
- 22 [20/00169/AMM](#) Section 42 application to modify condition 15 (contamination) of permission 16/00999/AMM. Approved by Planning and Development Management Committee on 29 July 2020.

CONSULTATIONS

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

Internal

- 24 Environmental Health (Noise Odour) – no objections were received subject to condition insofar as a 3m high acoustic fence be put in place at the northern boundary of the site.

Representations

- 25 Two representations were received. The main issues raised within the representations are summarised below:

1. Loss of view
2. Impact on caravan touring business
3. Overshadowing
4. Noise
5. Excessive Height

- 26 Points 1 and 2 are not material considerations to the assessment of the S42 application. Points 3-5 are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

27

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats R	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 28 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.

- 29 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 30 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

Principle

- 31 The principle of the development subject of the application has been previously established through the approval of the extant planning permission (16/00999/AMM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. It is noted that since the original planning permission approval there has been a change to the Development Plan through LDP2 in 2019. The changes within the Development Plan are, however, not significant in relation to the proposed changes to this S42 application. The amendment of Condition 10 is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are calculated.
- 32 The applicant proposes to amend condition 10 (noise mitigation) which states that the mitigation measures as described by Energised Environment Noise Impact Assessment dated 22 December 2016 shall be put in place prior to the occupation of any dwellinghouse. The applicant now wishes to modify this condition to reduce the height of the bund and remove the acoustic fence. An updated Noise Impact Assessment (NIA) has been submitted to support the application.
- 33 The bund spans across 2 separate planning approvals, namely 16/01491/FLL and 20/00169/AMM. A small length of the bund is located within 16/01491/FLL. Condition 7 of that planning permission requires the submission of details of the acoustic bund for further approval of the Planning Authority. The details of which have been submitted, however is pending consideration, awaiting the outcome of this application.

Residential Amenity

- 34 The previous noise mitigation measures included a buffer comprising a 6m high bund with 3m high acoustic fence atop around the north-west corner of the development to protect the proposed dwellings from noise from the grain dryers at Tayside Grain and an additional 3m high acoustic fence at the northern boundary to protect proposed dwellings from vehicle movement noise at the Morris Leslie site.
- 35 Tayside Grain has since been purchased by the applicant and it is their intention to fit silencers to the grain dryers to mitigate noise from the units and an updated NIA has been submitted with this application.
- 36 The conclusion of the updated NIA is that the 6m bund with a 3m acoustic fence at the north-western corner of the development is no longer required to protect the occupants of the proposed development from noise from the grain dryers.
- 37 Environmental Health colleagues have reviewed the updated NIA and following further discussions with the noise consultant, confirm that it is still recommended that a 3m high acoustic fence is constructed at the northern boundary to protect residents from vehicle movement noise from the Morris Leslie site.
- 38 Whilst the conclusion of the updated NIA is that the bund is no longer required, the applicant wishes to retain a 3m high landscaped bund for visual amenity purposes in a slightly revised position to that already consented. Concerns have been expressed from a neighbouring property which acknowledges that the proposal to reduce the bund to 3m and without the acoustic fence is better than what is already consented, however, has made suggestions insofar as the most westerly section of the bund is removed. The area referred to, however, is outwith the red line site boundary for this application, therefore, not a consideration for this application.
- 39 Concerns were also expressed in the letter of representation that the consented bund overshadows their property for several months in the winter. The proposal here to reduce the height of the bund provides a better solution negating any potential overshadowing.
- 40 Overall the proposal to vary the condition is considered to be acceptable and accords with the LDP2 subject to condition 12.

Design and Layout

- 41 The proposed modification to Condition 10 will have no impact on the approved and under construction layout.

Landscape

- 42 The proposed modification to Condition 10 will have no impact on the local landscape.

Visual Amenity

- 43 The proposed modification to Condition 10 will improve visual amenity due to the reduction in height of the bund, thereby, reducing its visual prominence. Whilst the initial proposal provided landscaping on the bund, revised landscaping details were submitted. This can, however, be addressed through condition (condition 11).

Roads and Access

- 44 The proposed modification of Condition 10 does not have any direct or significant impact on the road network.

Natural Heritage and Biodiversity

- 45 The proposed modification to Condition 10 will have no impact on the biodiversity of the area.

Developer Contributions

- 46 No contributions are required by this S42 application.

Economic Impact

- 47 The proposed modification will not have an impact on the local economy.

Other Matters

- 48 The 16/00999/AMM permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in 2019. It is good practice, when approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered to should remain and reference should be made to detail or specification approved as part of the condition approval process for the existing AMSC. Several conditions as set out in the recommendation section below have been amended to accord with practice.

LEGAL AGREEMENTS

- 49 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, education contributions, transport infrastructure contributions, open space, play area, sports pitch provision and maintenance. It is future-proofed for S42 applications so will not require modification in light of this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 50 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been

no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 51 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 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 Development Plan.
- 52 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason - In the interest of pedestrian and cycle safety.

4. The detailed landscaping and planting scheme, including the sports pitch as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species 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 and in pursuance of suitably satisfying placemaking policy criteria of the Development Plan.

5. The approved children's play area(s) as approved under planning reference 20/00169/AMM (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

Reason - In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

6. The approved delivery and phasing plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

7. The approved sustainable urban drainage system (SUDS) under planning reference 20/00169/AMM (drawing number 20/00169/74) shall be carried out in accordance with the approved scheme and be operational prior to the bringing into use of the development.

Reason - In the interests of best practise surface water management: to avoid undue risk to public safety and flood risk.

8. The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason - To reduce the risk of flooding.

9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: 'Trees in relation to construction, demolition and construction. Recommendations'.

Reason - To ensure a satisfactory standard of local environmental quality.

10. A 3 metre high acoustic fence at the northern boundary as shown in Drawing Reference 20/00169/59 shall be put in place prior to occupation of any dwellinghouse. Thereafter, the fence shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality.

11. Prior to any further works being undertaken, a detailed specification of the proposed landscape bund shall be submitted for the further approval of the Planning Authority. The detail as subsequently approved shall be carried out and completed prior to occupation of the first dwelling and thereafter maintained.

Reason - In the interests of residential amenity.

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

Reason - To ensure a satisfactory standard of local environmental quality.

13. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality.

14. The Construction Traffic Management Scheme (CTMS) as approved under planning reference 20/00169/AMM (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason - In the interest of road safety.

15. The level and location of recycling facilities as agreed under planning reference 20/00169/AMM (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.

Reason - In the interests of the sustainable disposal of waste.

16. Prior to any further works being undertaken in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.

- I. The nature, extent and type(s) of contamination on the site;
- II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;
- III. Measures to deal with contamination during construction works;
- IV. Condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must be submitted to the Council as Planning Authority.

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority for approval.

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

18. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

19. If the development hereby approved having commenced in 2019 is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be

reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to;

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Council as Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

20. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

21. Prior to the occupation and use of the approved development the applicant shall, at their own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason - In the interest of road safety.

22. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been 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 promoting sustainable travel.

23. The external lighting plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.

Reason - To minimise any light pollution.

24. The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April - August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and NatureScot (formerly SNH) prior to the commencement of the development on site.

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

25. The details as approved under planning reference 20/00169/AMM relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.

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

26. The details as approved under planning reference 20/00169/AMM of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.

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

27. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the Interest of vehicle and pedestrian safety.

28. Prior to the completion of any residential plot, details of the bus stops shown in the approved Housing Layout Plan of planning application 20/00169/AMM (drawing numbers 20/00169/47 and 20/00169/48) shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason - In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

29. Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.

Reason - In the Interest of vehicle and pedestrian safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. This development requires 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 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance.
3. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. 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 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

Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.

6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
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. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
9. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
10. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
11. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
13. There is a Section 75 legal obligation associated with this planning permission, which relates to 16/00999/AMM. A copy is available to view on the Council's Public Access portal.

Background Papers: 2 letters of representation
Contact Officer: Gillian Peebles
Date: 10 February 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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