

## SPECIAL COUNCIL MEETING

Minute of Special Meeting of Perth and Kinross Council held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Wednesday 12 December 2012 at 2.00pm.

Present: Provost E Grant; Councillors H Anderson, B Band, P Barrett, I Campbell, J Coburn, A Cowan, D Cuthbert, D Doogan, R Ellis, J Flynn, A Gaunt, J Giacobazzi, A Grant, T Gray, K Howie, J Kellas, G Laing, A Livingstone, M Lyle, E Maclachlan, I Miller, A Munro, D Pover, M Roberts, C Shiers, L Simpson, A Stewart, H Stewart, B Vaughan, G Walker, M Williamson, W Wilson and A Younger.

In Attendance: D Burke, Executive Director (Housing and Community Care); J Fyffe, Executive Director (Education and Children's Services); J Valentine, Executive Director (Environment); N Brian, J Thomson, G Peebles, J Russell, K Stirton and M Barr (all The Environment Service); G Taylor, C Elliott and Y Oliver (all Chief Executive's Service).

Apologies for Absence: Councillors M Barnacle, R Brock, C Gillies, A Jack, A MacLellan, D Melloy and W Robertson.

Provost Grant, Presiding.

### 655. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors' Code of Conduct.

### 656. PLANNING APPLICATION 12/00948/FLM – Erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks on Land 450 Metres North West of Haughend Farm, by Meigle – S.H.E.T.L.

C Elliott, Solicitor, advised the Council that this application was for consideration of a national planning application for which, under Paragraph 27.1(a) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, a pre-determination hearing may be required to be held prior to the application being presented to the Council for determination. As there had been no requests for deputations to be heard there had been no requirement to hold a meeting of the Pre-Determination Committee.

Thereafter, officers answered a number of questions from members on the application.

#### **Resolved:**

**Grant**, subject to the following conditions with Condition 11 being amended to read as undernoted:

1. That no alterations or amendments shall be made to the details contained in the approved plans referred to in the decision notice unless so indicated by conditions, attached to the consent, or agreed in writing with the Local Planning Authority.

PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
12 DECEMBER 2012

2. Prior to the commencement of development, a full site specific drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with the Scottish Environment Protection Agency and the Council as Flood Prevention Authority, and all work shall be carried out in accordance with the said scheme. The submitted information shall include a detailed drawing of the SUDS layout for the proposal site.
3. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted to and approved in writing by the local Planning Authority. These details shall include proposed finished levels or contours detailing cut/fill and height of bunding; means of enclosure; hard surfacing materials and exact location of lighting. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Thereafter the landscape works shall be carried out as approved prior to the site being brought into use or earlier.
4. Any trees or planting associated with Condition 3 which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species unless the local Planning Authority gives written consent to any variation.
5. No development shall take place within the development site, as outlined in red on the approved plan(s), 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, agreed by Perth & Kinross Heritage Trust, and approved by the local Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented, and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the local Planning Authority, in agreement with Perth and Kinross Heritage Trust.
6. Prior to the commencement of development, details of an independent and suitably qualified Ecological Clerk of Works to be appointed by the developer, together with details of a reporting scheme to the Planning Authority by the person appointed, must be submitted to and approved in writing by the Planning Authority. The Ecological Clerk of Works shall undertake a watching brief throughout the felling of trees associated with the formation of the site access and oversee compliance with the ecological mitigation measures provided in Appendix II of ECHOES Ecology Ltd submission dated 23 July 2012. The appointment of the Ecological Clerk of Works shall end following completion of the felling associated with the site access.
7. Before development commences on site, the mitigation measures that are approved under application 12/01393/FLL, which seek to protect the breeding Ospreys and specifically dissuade them from using areas of the site to be worked during the breeding season, shall be implemented in accordance with a timescale to be approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage, and such other parties as considered appropriate.
8. At least two months prior to the commencement of any works, a full site specific construction environmental management document (CEMD) must be submitted for the written approval of the Planning Authority in consultation with SEPA, SNH, Historic Scotland and the Council's Environmental Health

PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
12 DECEMBER 2012

Service. Thereafter all work shall be carried out in accordance with the approved plan.

9. Construction operations shall only be carried out at the site between the hours of 0700 to 1900 in April to September and 0730 to 1700 in October to March. At weekends, the working hours shall be approximately 0700 to 1700 in April to September and 0730 to 1700 in October to March. Any variation in these working hours shall only be as agreed in writing, and in advance, by this Council as Planning Authority.
10. Only the plant machinery and equipment specified in the Environmental Statement submitted with the application (or similar plant which generates no greater sound power levels) shall be used, unless otherwise agreed in writing with this Council as Planning Authority. All vehicles, plant and machinery shall operate only during the permitted hours of operation, and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noise emissions. The Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.
11. The only external lighting within the site shall be for inspection and maintenance purposes and shall be sufficiently installed, screened and aligned to the satisfaction of this council as Planning Authority, in consultation with the Environmental Health section, so as to ensure that light spillage beyond the site boundaries is minimised and maintained as agreed.
12. All plant or equipment associated with the operation of the substation 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 premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.
13. Prior to the commencement of development a scheme of localised road widening, junction improvements and other associated strengthening or upgrade works shall be agreed in writing with this Council as Planning Authority in consultation with the Roads Service and such other parties as considered appropriate.

### **Justification**

The proposal complies with the National Planning Framework, Tayplan and Eastern Area Local Plan. Having taken account of the Proposed Local Development Plan as well as other material considerations, there are none which would justify refusing the application.

### **Informatives**

1. The planning permission will only last for three years from the date of the decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

PERTH AND KINROSS COUNCIL  
SPECIAL COUNCIL MEETING  
12 DECEMBER 2012

3. The 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 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 guidance. 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. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. 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.

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