

Perth and Kinross Council
Planning & Placemaking Committee – 10 August 2022
Report of Handling by Head of Planning & Development
(Report No. 22/179)

PROPOSAL:	Formation of a cemetery, columbarium, car parking and track, landscaping and associated works
LOCATION:	Witches Knowe Wood, Rait

Ref. No: [21/00755/FLL](#)

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 is for the formation of a cemetery (consisting of green burials), the erection of a columbarium, car parking and track, landscaping and associated works. It follows an earlier application that was refused. This proposal revises the layout and seeks to address the previous reasons for refusal.
- 2 In support of the application an ecological report, a design statement, hydrology and hydrogeology reports have been submitted.

NATIONAL POLICY AND GUIDANCE

- 3 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

- 4 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.

The Scottish Planning Policy 2014 (SSP)

- 5 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.
- 6 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

- 7 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

Creating Places 2013

- 8 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.

National Roads Development Guide 2014

- 9 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

- 10 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

- 11 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.”

- 12 Policy 1 Locational Priorities of the TAYplan 2016 are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 13 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.

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 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 29: Gardens and Designed Landscapes
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- 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

- 14 PKC Landscape Supplementary Guidance – Adopted 2020

SITE HISTORY

- 15 **20/00003/PSN** Pre-screening notice issued on 22 April 2020 for formation of a green burial site, erection of store building landscaping and associated works.
- 16 [20/00464/FLL](#) Full Planning Permission application was withdrawn on 17 June 2020 for Formation of a cemetery, columbarium, vehicular access and track, landscaping and associated works.
- 17 [20/00872/FLL](#) Full Planning Permission was refused on 6 December 2020 for Erection of a grounds maintenance building, formation of cemetery, columbarium, vehicular access and track, landscaping and associated works.

CONSULTATIONS

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

External

- 19 **Scottish Water** – No objection following amendments to the layout which now incorporate a stand off from the water main.
- 20 **Historic Environment Scotland** – No objection subject to conditional control to prevent damage and protect the setting of scheduled monuments.
- 21 **Inchture Community Council** – No objection received.
- 22 **Scottish Forestry** – No objection received.

Internal

- 23 **Transport Planning** – No objection.
- 24 **Structures And Flooding** – No objection following the receipt of additional information, which addresses the comments previously made in June 2021.
- 25 **Biodiversity/Tree Officer** – The submitted Ecological Impact Assessment (EclA) is excellent quality, drawing clear conclusions. No objection subject to conditional control in relation to landscaping, trees, and biodiversity.
- 26 **Perth And Kinross Heritage Trust** – No objection subject to conditional control.
- 27 **Environmental Health (Private Water)** – No objection subject to conditional control.

REPRESENTATIONS

- 28 A total of 14 letters of objection to the current application including the Rait Community Association were received. The main issues raised within the representations are:
- Inappropriate land use, out of character with the area, over intensive development, loss of open space adverse effect on visual amenity, not in keeping with the conservation village of Rait.
 - Access roads are designated/promoted for cycling/walking, road safety concerns, road accidents, traffic congestion, increased traffic, access roads and lack of verges make it unsuitable for processions. approach roads used by agricultural vehicles. existing visitors to Fingask Castle (wedding events) often get lost due to inadequate signage.
 - Adverse impact on wildlife.
- 29 The following matters have been raised and are best addressed at this juncture.
- Lack of toilet provision – Existing toilet facilities within the estate could be utilised. While no public toilet provision is provided there is no requirement for this under Planning Circular 1/2020: Changing Places Toilets Regulations.
 - There is no local consultation with villagers in Rait or the Carse of Gowrie. - The planning authority does recognise there are benefits to all parties where early engagement is undertaken. However, the scale of this development does not require formal pre-application consultation with the local community. These issues are addressed in the appraisal section of the report.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 31 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.

Principle

- 32 Policy 1 of TAYplan 2 is of importance. This sets out locational priorities at a strategic level. It confirms under criterion C that proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.
- 33 The need to avoid unsustainable patterns of travel is also a criterion contained within Policy 8: Rural Business and Diversification as well as Policy 60B: Transport Standards and Accessibility Requirements. These policies are consistent with the Scottish Government's Scottish Planning Policy (SPP).
- 34 During pre-application discussions the need for a rural site for such a proposal was generally accepted however a supporting statement was recommended to explain the location choice and to illustrate compliance with the criteria contained within Policy ED3: Rural Business and Diversification. There is now a new local plan in place however a Rural Business and Diversification Policy (Policy 8) remains. All proposals are expected to meet the defined criteria within the policy all of the following criteria which are assessed under the headings below.

Design, Layout and Landscape

- 35 The previous application for this green burial site, application 20/00872/FLL, proposed a new entrance at the edge of the Carse and Sidlaw Hills. A significant amount of cut and fill was required to accommodate the access track and parking and as a result a conflict with Policy 39: Landscape and Policy 8 arose.
- 36 To alleviate this reason for refusal the layout has been revisited. An existing access road will be utilised and a new car park is now formed behind the transition between the Carse and igneous hills which is set within the existing landscape framework. The application site also incorporates an existing carparking area at the Castle that can be utilised as an overflow. With the car park now located away from the C401 this narrow road is unlikely to be utilised as an overspill for parking.
- 37 Taking this into account, the long-range views towards the site from the south will be protected. The proposal complies with Policy 39: Landscape and criterion (d) of Policy 8: Rural Business and Diversification as the site infrastructure can be satisfactorily accommodated within the landscape and environmental capacity of the site.

Trees and Woodland

- 38 Section 159 of the Planning Act imposes a general duty on the Planning Authority to include appropriate provision for preservation and planting of trees.

While the Scottish Government's Policy on Woodland Removal signals a strong presumption in favour of protecting Scotland's Woodland resources. Local Plan Policies 40A and 40B also seek to protect trees.

- 39 The access point for the new car park area has been chosen to minimise the extent of tree loss on the eastern boundary of the site. Conditional control can be utilised to ensure the protection of the tree resource while the site infrastructure is installed (condition 4).
- 40 The proposal incorporates tree planting as part of the green burial process. While this will take time to establish the proposal complies with the aims of Local Plan Policy 40A and 40B and there is no conflict with the Scottish Government's Policy on Woodland Removal. Conditional control is required to ensure the provision of an updated landscape plan which takes cognisance of archaeology interest at the site which is discussed further under the 'Conservation Considerations' heading (condition 2).

Conservation Considerations

Scheduled Monuments

- 41 Historic Environment Scotland (HES) consider that the proposal has the potential to affect the following scheduled monuments. The Rait Hill Fort SM7251 and the Fingask Standing Stone SM7213.
- 42 Their assessment has confirmed that the proposal would be unlikely to have a significant adverse impact on the setting of the above scheduled monuments and, to avoid future damage to the scheduled monuments through regeneration of trees, a buffer of at least 20m between the edge of the scheduled area and any new planting is recommended. They also recommend that the scheduled area be appropriately marked out prior to and during site works, using markers placed out with the scheduled area, to prevent inadvertent damage to the scheduled monument. HES note that it would also be useful to include the scheduled area on maps, drawings, or digital data provided to contractors. With conditional control applied this will comply with Policy 26A: Monuments (condition 10).

Fingask Castle, Garden and Designed Landscape

- 43 The proposed site forms part of the Fingask Castle Garden and Designed Landscape (GDL). From a review of the Inventory the terraces and woodland have been designed around the Category A listed Fingask Castle. The location of this proposal on the periphery of the designation is not considered to diminish the relationship of the Gardens and the Castle.
- 44 HES has considered this proposal in terms of its impact on the Fingask Castle GDL and is satisfied that it would not have a significant adverse impact. There is no conflict with Policy 29: Gardens and Designed Landscapes.

Local Archaeology

- 45 The proposed development lies within an area that is considered to be archaeologically sensitive due to the density of archaeological sites located in proximity to the site. As well as the scheduled ancient monuments there is possible evidence on an unenclosed settlement (MPK 6706), which has been identified via cropmarks. In addition, the Historic Environment Records acknowledge two archaeological features, both within and adjacent to the planning application. One consisted of archaeological monitoring within the development area at the east. This revealed no prehistoric activity, though may have been assessed post topsoil strip and therefore evidence may have already been removed. The other, located to the south of the development and partially including MPK 6706, involved a series of evaluation trenches. This revealed a series of linear pits and ditch at the northern limit of their site, adjacent to this current development.
- 46 Perth and Kinross Heritage Trust (PKHT) notes that the site sits in a rich prehistoric landscape and, given the likelihood of archaeology being found, recommend that a 10% evaluation be undertaken in the first instance, to determine any survival of archaeological remains with the layout of these trenches agreed with PKHT in advance of any site works (condition 11).
- 47 PKHT recommended that the archaeological evaluation should take place to assess the presence / absence, character and significance of archaeological deposits on the site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits to ensure compliance with the requirements of Policy 26B: Archaeology.

Listed Buildings

- 48 Section 14(2) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 places a duty on the planning authority, in considering whether to grant listed building consent for any works to “have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. These requirements are also incorporated into Policy 27A: Listed Buildings.
- 49 The position of the listed Castle has been taken into account and there is sufficient intervening distance between the listed asset and the proposal to ensure the setting of the building will not be adversely affected.
- 50 When taking account of the approaches to the walled garden the engineering works (access and car park) will be at an acute angle and will detract from the setting of the listed structure. The field where the burials will take place is next to the listed walled garden and associated buildings. An incremental change will occur with burials and the planting of trees however this will not adversely affect the setting of this listed building.
- 51 Accordingly, there is no conflict with Policy 27A: Listed Buildings.

Roads and Access

- 52 Policy 8: Rural Business and Diversification seeks to avoid the siting of proposals in locations that would result in unsustainable travel patterns.
- 53 The agent and letters of representation confirm that the closest public transport route is the North Inchmichael interchange on the A90, Rait is 1.8km from the interchange and the site some 2.0km. Given the rural nature of this site and the distances involved to public transport links this means there is little realistic alternative to private motorised transport.
- 54 A site within or closer to an urban centre, or even a larger rural settlement, would have more options for those wishing to travel by public transport or without access to a car. While Transport Planning do not object to the proposal on road safety grounds, the proposed site location runs counter to the aims of minimising travel by private car which means the proposal is contrary to Policy 60B: Transport Standards and Accessibility as well as the Scottish Government's SPP. The proposal is therefore contrary to this policy.

Drainage and Flooding

- 55 SEPA have no objection on flood risk grounds and this stance is shared with the PKC Flooding and Structures Team although they recommend the deployment of SUDS principles to manage surface water run-off.
- 56 Accordingly, there is no conflict with Policy 52: New Development and Flooding. Compliance with Policy 53C: Water Environment and Drainage: Surface Water Drainage could be secured by condition.
- 57 There are no foul flows associated with this proposal and no conflict with Policy 53B: Water Environment and Drainage: Foul Drainage.
- 58 Consultation with Environmental Health notes that there are private water supplies believed to serve properties in the vicinity. To maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain, conditional control is recommended (condition 12).

Residential Amenity

- 59 The proposed use is not considered to have a significant detrimental impact on the residential amenity of North Lodge, Springside Cottage, Craighburn House or properties within the settlement of Rait. There is no conflict with criterion (c) of Policy 8: Rural Business and Diversification.

Developer Contributions

- 60 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 61 There would be a positive economic impact associated with the development. This would comply with Policy 8 criterion (a). However this requires to be balanced against the unsustainable travel patterns.

VARIATION OF APPLICATION UNDER SECTION 32A

- 62 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 layout following Scottish Water feedback

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 63 None required.

DIRECTION BY SCOTTISH MINISTERS

- 64 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

- 65 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 66 In this respect, the proposal is considered to comply with the overarching aims of TAYplan 2016 and the adopted Local Development Plan 2 (2019). While the proposal will be heavily reliant on travel by private car resulting in potentially unsustainable travel patterns this has to be balanced against the economic benefits of the scheme. With the improvements to the design and layout of the scheme as well as the reduction in the number of burial lairs it is considered that this now tips the balance in favour of the development, which is also contained within a natural bowl in a location located equidistant between Perth and Dundee
- 67 Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve

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

3. 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 and to ensure the satisfactory implementation of the proposed planting scheme.

4. All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 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 protecting environmental quality and of biodiversity.

6. 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 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. Prior to the commencement of the development hereby approved, a plan indicating provision of bird nesting boxes, bricks or tubes shall be submitted along with the timings associated with their installation. Thereafter the approved scheme shall be implemented in line with the agreed timescales.

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

8. Prior to the development hereby approved being completed or brought into use, the existing vehicular access onto the C401 shall be formed with Type B Road construction detail and shall continue into the entrance for a distance of no less than 6 metres from the boundary of the public road surface.

Reason - In the interests of pedestrian and traffic safety.

9. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

10. Prior to the commencement of development, the scheduled area shall be appropriately marked out prior to and during site works, using markers placed out with the scheduled area, to prevent inadvertent damage to the scheduled monument.

Reason - In order to comply with the aims of the Scottish Planning Policy; to ensure any archaeological remains are appropriately protected.

11. 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 - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

12. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure existing water and drainage infrastructures are not compromised.

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. 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.
4. 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.
5. 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.
 6. 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.
 7. 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.
 8. 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 layout following Scottish Water feedback.
 9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
 10. An application for Building Warrant may be required.
 11. The applicant should be 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.

12. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

Background Papers: 14 letters of representation
Contact Officer: John Russell
Date: 29 July 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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