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Council Building
2 High Street
Perth
PH1 5PH

14/11/2022

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 23 November 2022 at 10:00**.

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, 23 November 2022

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 22 SEPTEMBER 2022** **5 - 38**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 21/02104/FLM - EXTENSION TO QUARRY AND ASSOCIATED WORKS, LAND 750 METRES NORTH EAST OF MARLEE QUARRY, ESSENDY, BLAIRGOWRIE** **39 - 68**
Report of Handling by Head of Planning and Development (copy herewith 22/283)
- 5(1)(ii) 21/01968/FLM - FORMATION OF A9 SLIP ROAD AND JUNCTION INCLUDING ROAD WIDENING, LANDSCAPING, DRAINAGE WORKS AND ERECTION OF A REPLACEMENT BRIDGE, LAND AT A9(T) AND SHINAFoot ROAD (B9062) NEAR AUCHTERARDE** **69 - 92**
Report of Handling by Head of Planning and Development (copy herewith 22/284)
- 5(2) LOCAL APPLICATIONS**

5(2)(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 Report of Handling by Head of Planning and Development (copy herewith 22/285)	93 - 114
5(2)(ii)	21/01755/FLL - ERECTION OF 3 DWELLNGHOUSES, 3 GARAGES AND ASSOCIATED WORKS, LAND 30 METRES NORTH EAST OF RANTRIE KNOW, DRUM Report of Handling by Head of Planning and Development (copy herewith 22/286)	115 - 134
5(2)(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 Report of Handling by Head of Planning and Development (copy herewith 22/287)	135 - 158
6	PROPOSAL OF APPLICATION NOTICES (PAN)	
6(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 Pre-Application Report by Head of Planning and Development (copy herewith 22/288)	159 - 168

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PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in Council Chambers, 2 High Street, Perth on Thursday 22 September 2022 at 9:30am.

Present: Councillors I Massie, H Anderson, B Brawn, D Cuthbert, E Drysdale, D Illingworth, I James, K Harvey (substituting for Councillor R Watters), B Leishman, Bailie C McLaren, Councillors C Reid, G Stewart, and Bailie M Williamson.

In Attendance: K Smith, P Williamson, G Peebles, J Torrance, L MacLean and L Reid (all Communities); C Elliott, J Guild, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R Watters.

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

In terms of the Councillor's Code of Conduct, no Declarations of Interest were noted.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 10 August 2022, be approved as a correct record subject to Item 2. and Item 6(1)(ii) being altered to indicate Councillors B Brawn and B Leishman declared an interest and not Councillor D Illingworth.

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.
22/00102/FLM	5(1)(i)
22/00832/FLM	5(1)(ii)
22/00746/FLM	5(1)(iii)
22/00334/FLL	5(2)(i)
22/00711/FLL	5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **22/00102/FLM Erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works, Knappilands, Strathallan, Crieff**

Mr I Richmond, applicant, addressed the Committee and answered Members' questions.

Resolved:

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

Conditions

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.

Contamination

2. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall 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 of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason – In order to deal with any potential contamination of the site as a result of it's former use.

Residential Amenity

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 20 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 order to safeguard the residential amenity of the area.

4. Should any aspect of the development result in verified noise complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for a Noise Impact Assessment by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter any agreed mitigation measures shall be implemented to ameliorate the nuisance.

Reason – In order to safeguard the residential amenity of the area.

5. The poultry buildings shall not be occupied (or otherwise become operational) until an operational plan for the management and control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason – In order to safeguard the residential amenity of the area.

6. No deliveries or uplifting shall take place between the hours of 11:00pm and 6:30am on any day.

Reason – In order to safeguard the residential amenity of the area.

7. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning, if necessary, e.g., on an infrared signal which detects persons to the rear of the vehicle.

Reason – In order to safeguard the residential amenity of the area.

8. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health,

within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Operational Management Plan must be submitted to the council within a specified agreed timescale.

Reason – In order to safeguard the residential amenity of the area.

Roads and Access

9. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a minimum distance of 15 metres from the edge of the carriageway.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

10. Prior to commencement of any development on site, a detailed design for the proposed secure covered cycle parking facility for a minimum of 6 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

11. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) 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) monitoring, reporting and implementation arrangements;
- (n) arrangements for dealing with non-compliance; and
- (o) 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 interest of proper site management.

Landscape

12. 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, 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 and to ensure the satisfactory implementation of the proposed planting scheme.

13. 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.

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

Biodiversity

14. The conclusions and recommended action points within the supporting ecology surveys submitted and hereby approved (drawing numbers 22/00102/29 and 22/00102/30) 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.

15. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

16. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

17. 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 order to prevent animals from being trapped within any open excavations.

18. Lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.
Reason – In the interests of protecting environmental quality and of biodiversity.

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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
6. 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.
7. 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.

8. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
9. 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.
10. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
11. 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.

(ii) 22/00832/FLM Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works, Land 140 metres North East of Jamesfield Organic Centre, Newburgh

Ms C Quinney, objector to the application, and Mr P Kavanagh, applicant, via audioconference, addressed the Committee and answered Members' questions.

Resolved:

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

Conditions**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.

Noise

2. All hereby approved 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 20 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.

3. 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.

Lighting

4. 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.

Roads and Transport

5. 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.

6. The proposed route for any abnormal loads on the trunk road and local road networks must be approved by the relevant roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. The details of any abnormal load movements required, including any accommodation measures necessary, shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Transport Planning. Any request for approval shall be submitted at least two months prior to the proposed load movement.

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

7. 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. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and Transport Planning. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

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

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e. battery storage containers, transformers, customer switch rooms, DNO Switchgear etc) 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

9. The detailed landscaping and planting report (plan 22/00832/22) 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, 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 and to ensure the satisfactory implementation of the proposed planting scheme.

Private Water Supply

10. 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 development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
- Reason – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. 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 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 soil protecting and management in accordance with Policy 51 of the LDP2.

Facility Lifespan

12. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, 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

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. 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. An application for Building Warrant may be required.
5. 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.
6. 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.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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.

9. 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.

10. 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.

11. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

(iii) **22/00746/FLM Formation of an up to 49.99MW energy storage compound comprising battery storage units, ancillary buildings, landscaping and associated works, Land 60 metres North of Abernethy Cemetery, Newburgh Road, Abernethy**

Ms C Quinney, objector to the application, Mr A Pringle, applicant, and Mr D Grierson, agent, addressed the Committee and answered Members' questions.

Motion (Councillors E Drysdale and D Cuthbert)

Refuse, as the application is contrary to:

- (1) the Perth and Kinross Local Development Plan 2 (2019) Policy 1B(b): Placemaking as the proposal would be predominant and visible within the wider landscape area, and;
- (2) the Perth and Kinross Local Development Plan 2 (2019) Policy 50: Prime Agricultural Land as the proposal involves the loss of prime agricultural land. It has not been satisfactorily demonstrated the proposal is necessary in this location.

Amendment (Councillors B Brawn and B Leishman)

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.

Noise

2. All hereby approved 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 20 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.
3. 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.

Lighting

4. 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.

Roads and Transport

5. 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.

6. The details of any abnormal load movements required, including any accommodation measures necessary, shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for approval shall be submitted at least two months prior to the proposed load movement.

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

7. 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. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

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

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e., battery storage containers, transformers, DNO Switchgear, perimeter fencing etc) 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

9. 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.

Private Water Supply

10. 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 development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. 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 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.

Archaeology

12. 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 archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

Facility Lifespan

13. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, and or at the end of life for the development (50 years from the commencement of electricity storage) it shall be deemed to have permanently ceased to be required. In either 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.

Justification

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from relevant policies 1B and 50 of the LDP2.

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. An application for Building Warrant may be required.
5. 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.
6. 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.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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. According to 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.

9. 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.
10. 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.
11. 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.
12. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
13. 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.

In terms of Standing Order 21.5 a roll call vote was taken.

5 members voted in accordance with the Motion as follows:
Councillors D Cuthbert, E Drysdale, I James, C Reid and Bailie Williamson.

7 members voted in accordance with the Amendment as follows:
Councillors H Anderson, B Brawn, D Illingworth, B Leishman, Bailie C McLaren, Councillors I Massie and G Stewart.

In terms of Standing Order 24.1, Councillor K Harvey was unable to participate in the taking of a decision on this item due to leaving the Chambers during discussion.

Resolved:

In accordance with the Amendment.

COMMITTEE ADJOURNED FOR A SHORT BREAK AT THIS POINT

(2) Local Applications

(i) 22/00334/FLL Erection of shelter building and acoustic fence, formation of clay pigeon shooting range and earth bunds (in part retrospect), Crieff Hydro Hotel, Ferntower Road, Crieff

Mr R Percival, Mr A Birnie, Ms A Crichton, objectors to the application, addressed the Committee and answered members questions. Mr K Campbell, General Manager of Crieff Hydro Hotel, James Denholm, agent, both for the applicants, addressed the Committee and were joined by Mr D Chapman, agent, to answer Members' questions.

Motion (Councillors B Brawn and C Reid)

Grant, subject to the following conditions and terms:

Conditions

1. Permission is hereby granted for a limited period until 22 September 2025.
Reason – In view of the nature of the proposed development, and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.
2. Noise from operations on site shall not exceed L_{A90,1 hour} background noise level plus 5dB (A) when measured at any residential property.
Reason – In order to safeguard the residential amenity of the area.

3. No clay pigeon shooting is hereby permitted on site until a 1.5-metre-high acoustic fence is installed in line with the recommendation of Noise Assessment L-8112C-DJC-RGM dated 20 January 2022 and drawing No 04 and 07.
Reason – In order to safeguard the residential amenity of the area.
4. No clay pigeon shooting is hereby permitted on this site until the enclosure from which shooting will take place has been acoustically insulated in accordance with drawing 05 such that the walls, roof, and external wing walls of the enclosure have been clad with noise insulating material, the details shall be first submitted to and approved in writing by the Planning Authority in consultation with Environmental Health.
Reason – In order to safeguard the residential amenity of the area.
5. Within one month of the completion of the following mitigation measures; acoustic insulation of the shooting enclosure and erection of acoustic fence at the approved locations; a Noise Impact Assessment shall be undertaken by a suitably qualified person and the Report submitted to, and approved in writing by, the Planning Authority. The Report shall summarise the findings of the Noise Impact Assessment and make recommendations for further mitigation works if the noise of shooting is found to be over 55dB at the nearest noise sensitive property. Once approved, any required mitigation must be implemented in accordance with the approved details within 30 days, unless otherwise first agreed in writing by the Planning Authority.
Reason – In order to safeguard the residential amenity of the area.
6. No clay pigeon shooting shall take place on the site other than between the hours of 10:00 to 17:00 hours Monday to Friday and 11:00 hours to 17:00 hours Saturday and Sunday.
Reason – In order to safeguard the residential amenity of the area.
7. No clay pigeon shooting shall take place unless and until the exclusion zone is clearly marked out on site, and warning signs are erected on the access track to the site, details of which shall first be approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the first use of the development and retained in place for the duration of the use of the land for clay target shooting.
Reason – In order to safeguard the general public
8. Only low noise cartridges as referenced in the Noise Impact Assessment (plan ref 09) shall be used for the clay

pigeon shooting and all shooting at the site must be within the shooting enclosure at all times.

Reason – In order to safeguard the residential amenity of the area.

9. 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 conduct a noise assessment to verify compliance with the CIEH men shooting noise level below 55dB(A) and condition 1 above. The assessment will be conducted to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with CIEH 55dB or condition 1, 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 with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
- Reason – In order to safeguard the residential amenity of the area.

Justification

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

Amendment (Councillors D Cuthbert and B Leishman)

Refuse, as the proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019), Policy 8(c): Rural Business and Diversification and Policy 56: Noise Pollution, as there has been a failure to satisfactorily demonstrate that noise annoyance will not occur at noise sensitive receptors.

In terms of Standing Order 21.5 a roll call vote was taken.

7 members voted in accordance with the Motion as follows:
Councillors B Brawn, D Illingworth, I James, Bailie C McLaren, Councillors I Massie, C Reid and G Stewart

6 members voted in accordance with the Amendment as follows:
Councillors H Anderson, D Cuthbert, E Drysdale, K Harvey, B Leishman and Bailie M Williamson.

Resolved:

In accordance with the Motion.

(ii) 22/00711/FLL Erection of visitor centre comprising crannog roundhouse, demonstration structures, café/retail, museum/office, car and coach parking, landscaping and associated works, Land 60 metres south east of Drummond House, Kenmore

Mr William Duff, objector, via audio conference, addressed the Committee and answered Members' questions. Mr N Grant and Mr M Benson, applicants, addressed the Committee and were joined by Mr S Mackellar, agent, to answer Members' questions.

Resolved:

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

Conditions

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 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 and in accordance with the mitigation outlined within the approved tree survey (doc ref:52). Protection measures, once in place, shall remain in place for the duration of construction.
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. All trees on site, other than those marked for felling on the approved plans, shall be retained.
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. 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.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 103 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. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.
Reason – In the interests of protecting environmental quality and of biodiversity.
7. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to and approved in writing by the Council as Planning Authority. 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 surface water 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.
 - (e) measures to cater for waste water during construction
- 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.
8. Prior to the commencement of development on site a Site Biodiversity Action Plan which lists opportunities for Biodiversity Enhancement shall be submitted to and approved in writing by the Planning Authority. The Action Plan shall include details of quantity, locations,

techniques, timescales and monitoring arrangements for the biodiversity enhancement measures outlined within the Ecological Impact Assessment Report (doc ref: 103). The Action Plan, as approved in writing, shall be fully implemented for the lifetime of the development.

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

9. 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 150mm outside diameter being blanked off at the end of each working day.

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

10. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The approved measures shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason – In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

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 an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

12. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
13. No amplified music or speech shall be permitted in any external area at any time.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
14. 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 20 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.
15. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken within the cafe shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
16. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
17. The maximum number of events held within any external area shall be restricted to 15 per calendar year. Up to three events per calendar year must cease operation by 2230hrs. The remaining twelve events must cease operation by 2100hrs.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
18. The use of chainsaws shall be restricted to one hour per day. This hour-long period is restricted to between 0900-1700 Monday to Friday only. Any use of chainsaws out with these hours or for prolonged periods shall be discussed in advance with the Planning Authority and details of acoustic screening to be utilised shall be submitted for the written approval of the Planning

Authority. The acoustic screening, as agreed in writing with the Planning Authority, shall remain in place for the duration of the chainsaw use.

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

19. Between 0700hrs and 2300hrs noise from the premises shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics, when measured at any residential property in accordance with BS4142:2014.

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

20. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

21. In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to be approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for implementation will be submitted to the Planning Authority within 28 days of the assessment. All mitigation measures shall then subsequently be implemented in accordance with the agreed timescales.

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

22. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

23. Prior to occupation and/or use of the development hereby approved the applicant shall promote a Traffic Regulation

Order (TRO) for a reduced speed limit on the A827 for a distance to be agreed with the Council as Roads Authority. The speed limit on the A827 public road shall be reduced to the agreed limit and distance prior to the occupation and/or use of the development.

Reason – In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design for the proposed secure cycle parking facility for a minimum of 30 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

25. No part of the development shall be occupied until a Staff Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transport Planning. The STP 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 – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

26. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) 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 developer '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 interest of proper site management.

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. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
6. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://shop.bgs.ac.uk/georeports/) and at <http://shop.bgs.ac.uk/georeports/>.
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 developer should be aware of the regulatory advice under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 contained within SEPA's consultation response dated 21 July 2022.
9. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
10. 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.

6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) 22/00018/PAN – Residential development, formation of open space, landscaping and associated works, land 350 metres north west of Davies Park, Springfield Road, Kinross.**

Due to lack of time, Members were encouraged to submit any comments they may have on the proposal of application notice to the relevant planning officer.

No comments have been received.

- (ii) 22/00019/PAN – Change of use from agricultural land to form extension to caravan park, land 200 metres north east of Erigmore Caravan Site, St Mary's Road, Birnam**

Due to lack of time, Members were encouraged to submit any comments they may have on the proposal of application notice to the relevant planning officer.

Bailie McLaren requested that due consideration is given to waste management and developer contributions.

Perth and Kinross Council
 Planning and Placemaking Committee – 23 November 2022
 Report of Handling by Head of Planning & Development
 (Report No. 22/283)

PROPOSAL:	Extension to quarry and associated works
LOCATION:	Land 750 metres north east of Marlee Quarry, Essendy, Blairgowrie

Ref. No: [21/02104/FLM](#)

Ward No: P3 – Blairgowrie and Glens

Summary

This report recommends approval of the application which proposes an extension to the Marlee Quarry, by forming an extraction area north of the B947, as well as providing for the continued use of ready-mix concrete plant, site access, processing and stock piling area located to the south of the B947. Provided works are undertaken in accordance with the recommendations of the Environmental Impact Assessment Report, supporting information and planning conditions, the development is considered to comply with the Development Plan. The application is therefore recommended for approval, subject to conditions and a S.75 Agreement with a bank guarantee to secure site decommissioning, restoration and aftercare.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Marlee Quarry is an existing operational sand and gravel quarry situated in a rural location some 2.1 kilometres (km) to the west-south-west of Blairgowrie. The quarry is located adjacent to the B947 and occupies an area of approximately 40.1 hectares (ha). Existing extraction and processing activities are authorised by Planning Permission 17/01371/MWM. This permission expires on 2 April 2026 meaning that all quarrying activities must cease by this date. In 2017 the quarry operator confirmed there were 6 years of aggregate reserves remaining within the bounds of the existing quarry.
- 2 This application seeks an extension to the quarried area by an additional 29.54 ha, of which 14.44 ha will be proposed for sand and gravel extraction, with the balance used for soil storage and peripheral land around the extraction areas. The proposed extended extraction, or northern excavation, area would allow for the winning of up to approximately 1.1 million tonnes of sand and gravel and a supply rate of 75,000 tonnes per year. Quarrying would therefore occur for a period of 14 years and 8 months. However, allowing for enabling works to be completed, such as the installation of infrastructure prior to quarrying as well as restoration and aftercare works, following extraction, a term of 16 years and 2 months is sought. Extraction would be undertaken over 5 phases, with partial restoration/ topsoil dressing being carried out at the conclusion of each phase. Quarried material would be hauled by vehicle from

the new extraction area to be processed at the existing quarry site south of the B947. A full description of the extraction process is contained within the Environmental Impact Assessment Report (EIAR) Non-Technical Summary Dated November 2021.

- 3 The proposed northern extraction area occupies 3 arable fields located to the southwest of Leys of Marlee Farm, some 630 metres (m) to the northeast of the existing quarry and processing area. The B947 public road forms its southern boundary. The western boundary is defined by Palace Road and a narrow strip of established vegetation, whilst the northern boundary is defined by the access road to Leys of Marlee Farm. Within the red line site boundary is a single existing Scheduled Monument (SM) comprising the Leys of Marlee (SM7170) which is located between phase areas 1A and 1B. Immediately to the southeast and adjoining the red line site boundary is a second SM, being the Ring Ditch Leys of Marlee (SM7171). Having regard to the wider context of the site location, the Loch of Drumellie or Marlee Loch, part of the Blairgowrie Lochs, is located approximately 650 m to the west of the site. This water body is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). Ardblair and Myreside Fens are located approximately 470 to the northeast of the site and are also designated a Site of Special Scientific Interest (SSSI). The land surrounding the quarry is predominantly in agricultural use with intermittent areas of woodland. There are individual residential properties located at varying distances around the site.
- 4 The existing quarry site sits to the south of and takes direct access off the B947, and this access will continue to be utilised. The proposed extension area is separated from the existing quarry and processing area by the B947. It is proposed to create a crossing point over the B947 to allow vehicles to haul material back to the existing quarry for processing. The site office, car park, welfare facilities, processing and stock piling areas and settlement ponds will remain in their existing locations. Soil stripping within the new extension area will be undertaken. All soils will be retained within the new extraction area. Soils stripped from the initial extraction areas would be used to form screening mounds. Thereafter, soils stripped shall be placed in storage or utilised in progressive restoration.
- 5 The design of the proposed excavations within the northern extraction area has been influenced by topography, the presence of public utilities, local geology and hydrogeology, engineering requirements, the market strategy with regards to quarry production and product type, and the minimisation of potential impacts (e.g., landscape, visual, noise, dust, ecology). The maximum extraction depth is within Phase 4 and will be 9m. However, Phases 1A and 1B will only be to a depth of 6 and 6.5m. The shallowest extraction depth will be in respect of Phase 2 at 3.1m.

Pre-Application Consultation

- 6 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the size of the development area/site exceeding 2 Ha in area. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified issues over a lack of consultation, the scale of the operational area and timing, noise, dust, lighting, the effectiveness of restoration proposed and a loss of soil carbon, road safety, landscaping and visual assessment, and biodiversity values. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.
- 7 The PAC Report notes that a letter drop to local properties (within a 300 m radius) was undertaken, outlining that a consultation event was to be held online, as permitted by the relevant regulations at the time. The online event was held on 30 March 2021 between 6pm and 8pm. In addition, residents were also directed to a website for information, with full contact details for the agent provided. Notice was also sent Blairgowrie and Rattray Community Council as well as to local members. A number of interested parties attended the online events and comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

Environmental Impact Assessment

- 8 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.
- 9 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 (EIAR) 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.
- 10 The types of development subject to EIA are listed in Schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An EIA is required for all Schedule 1 projects, whilst Schedule 2 projects may only require an EIA, subject to factors such as their nature, size, location or where there is potential for significant effects on the environment. In respect of quarrying, where the surface area exceeds 25 ha the development falls within Schedule 1. In the case of this application, the application area extends to 29.55 ha which requires that EIA is mandatory.

- 11 The applicant sought a scoping opinion from the Planning Authority to inform the content of the EIAR. An opinion was issued on the 11 December 2020 which confirmed the 16 key matters which should be addressed within the EIA Report

NATIONAL POLICY AND GUIDANCE

- 12 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

- 13 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)

- 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
 - Valuing the Historic Environment: Paragraphs 137 - 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Promoting Responsible Extraction of Resources: Paragraphs 234 - 248
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

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 2 (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 plan 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.
- 20 Policy 7: Energy Waste and Resources
- 21 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.
- 22 Policy 9: Managing TAYplans Assets

- 23 Seeks to ensure responsible management of TAYplan's assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2 (2019)

- 24 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.
- 25 The principal relevant policies are, in summary;
- Policy 1A and 1B Placemaking
 - Policy 2 Design Statements
 - Policy 5 Infrastructure Contributions
 - Policy 8 Rural Business and Diversification
 - Policy 26A Scheduled Monuments
 - Policy 26B Archaeology
 - Policy 27A Listed Buildings
 - Policy 33A Renewables and Low Carbon Energy
 - Policy 33B Repowering and Existing Facilities
 - Policy 38A International Nature Conservation Sites
 - Policy 38B National Designations
 - Policy 38C Local Designations
 - Policy 39 Landscape
 - Policy 40B Forestry, Woodland and Trees
 - Policy 41 Biodiversity
 - Policy 48A Sterilisation of Mineral Deposits
 - Policy 48B Advance Extraction
 - Policy 49A Extraction
 - Policy 49B Restoration
 - 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 Flooding
 - Policy 56 Noise Pollution
 - Policy 57 Air Quality
 - Policy 60B Transport Standards and Accessibility Requirements

OTHER POLICIES

26 **Supplementary Guidance – Air Quality, Adopted January 2020**

- 27 Supplementary Guidance – Flood Risk and Flood risk Assessment, Adopted March 2021
- 28 Supplementary Guidance – Landscape, Adopted January 2020
- 29 Supplementary Guidance – Financial Guarantees for Minerals Development, Adopted February 2021

Non-Statutory Guidance

- 30 Planning Guidance – Loch Leven SPA, The Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- 31 Supplementary Guidance – Planning and Biodiversity Planning for Nature and Wildlife Adopted April 2022

SITE HISTORY

- 32 [92/00830/FUL](#) Full Planning Permission was approved on 9 December 1994 for extraction of sand and gravel at Marlee.
- 33 [17/01371/MWM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to extend the life of the existing quarry. A variation to condition 1 of planning permission PK920831 (extraction of sand and gravel) was sought and approved on 2 April 2019.
- 34 [20/00909/SCOP](#) An opinion was issued on 11 December 2020 setting out matters to be considered within an EIA Report pertaining to an extension to the existing quarry.
- 35 [21/00002/PAN](#) A proposal of application notice was sought and issued on 7 April 2021 for an extension to the existing quarry.

CONSULTATIONS

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

External

- 37 **Scottish Environment Protection Agency:** No objection. Commentary is provided in terms of ecology, disruption of groundwater and dependent ecosystems, impacts on private water supply, de-watering and waste. The risk to the Lochs SAC and Ardblair Fens SSSI in terms of dust, surface water runoff, water quality and groundwater impacts are considered sufficiently mitigated provided good practices in terms of site operations are implemented.

In terms of water quality and quantity there was not considered to be any impacts on the SSSI that feeds into Rae Loch or on wildlife and surrounding reedbeds. The matters raised by SEPA have been addressed in conditions 14, and 20.

- 38 **Scottish Government:** No objection.
- 39 **NatureScot:** No objection, subject to a condition that the development proposal be implemented strictly in accordance with the mitigation measures described within the Habitat Regulations Appraisal submitted. Conditions 14, 16, 19, 20 and 21 are recommended.
- 40 **Scottish Water:** No objection. Although the proposed extraction area is bisected by an existing Scottish Water asset, no concerns are raised in respect of impacts to this supply pipe.
- 41 **Historic Environment Scotland:** No objection. Initially an objection was raised as the development was considered to directly impact Schedule Monuments (SM) SM 7170 and SM 7171. Some impacts to SM 1560 (located approximately 150 west of SM7171) were also considered. (SM 7170 and SM 7171 are located within or immediately adjoining the new northern extraction area). The applicant subsequently provided a stability risk assessment and additional information (dated 17 February 2022) to satisfy HES concerns. Final HES comments were received on 16 March 2022, confirming no objection, subject to the mitigation measures noted within the risk assessment. This included the exclusion of operational machinery from near to the SM's by fencing (Conditions 24).
- 42 **British Geological Survey:** No objection.
- 43 **Perth And Kinross Heritage Trust:** No objection. Initially concerns were raised as the site is highly archaeologically sensitive, as is noted by its proximity to nationally important archaeological assets. However, PKHT having reviewed additional information, including the site risk assessment noted above, further visual assessment commentary, the timetable for works and further commentary from the applicant's archaeologist. Now raise no objection, subject to conditions regarding the securing of an implementation of archaeological works and protective fencing around existing heritage assets. Conditions 23 and 24 are recommended.
- 44 **Blairgowrie And Rattray Community Council:** Objection. Concerns raised regarding the effectiveness of any pre-application consultation by the applicant; that the site is not designated within LDP2 for mineral extraction; the scale of the development is disproportionate to the area in which it is situated; road safety issues; noise in respect of nearby properties; dust impacts in respect of Blairgowrie itself; impacts on carbon emissions from the quarry operations; impacts to nearby land designations and conservation sites; the loss of soil carbon; visual impacts; impacts to tourists. In addition, concerns are raised in respect of impacts to wildlife at Rae Loch, located c.200m to the northeast of the new quarry area.

Internal Consultees

- 45 **Environmental Health (EH):** No objection. EH have reviewed the supporting EIAR and raised no objections to the methodology or conclusions. Accordingly, no objection is raised subject to conditions regarding, operating hours, external lighting, noise, dust management and to ensure that no extracted material is processed onsite within the new extraction area. Conditions 9-15 are recommended.
- 46 **Planning And Housing Strategy:** No Objection, the development is adjacent to an existing quarry which is already supporting market reserves for sand and gravel. The proposal is therefore in compliance with this part of Policy 49A of the LDP2. However, the applicant must also demonstrate that “their impact on local communities and the environment has been assessed and does not have an adverse residual effect after appropriate mitigation”.
- 47 **Transport Planning:** No objection, subject to conditions pertaining to the engineering standards of the new vehicle access and a construction traffic management plan being submitted. Conditions 7 and 8 are recommended. Informatives advising of the need for a road opening permit and the disposal of surface water are noted.
- 48 **Structures And Flooding:** No objection. Upon initial review further clarification was requested in respect of flood risk and site drainage. Upon submission of further information those matters have now been addressed.
- 49 **Biodiversity/Tree Officer:** No objection, subject to conditions pertaining to the submission and implementation of an agreed landscape and planting scheme as well as a site restoration plan; the protection of existing trees onsite; the protection of nesting birds onsite; measures to protect animals from being entrapped onsite; and ensuring that the conclusions and recommendations of the submitted biodiversity survey are adhered to. Conditions 19 - 22 are recommended.
- 50 **Conservation Officer:** Concerns raised; The development type has the potential to be intrusive in spite of a negligible visual impact on listed buildings nearby, and the submitted EIAR does not specifically address this. Further work is therefore required to ensure that the listed buildings in proximity to the proposed development are protected. Despite concerns being raised these matters are addressed by conditions 9, 10, 11, 14 and 16. Furthermore, HES in their own response has stated that in their opinion the impacts on heritage assets within the Council’s remit and their settings are unlikely to significant.

Representations

- 51 103 objections have been received. The main issues raised are:
- Visual impact / scale of the activity
 - Noise
 - Road Safety

- Dust
- Impacts on nearby SSSI's and Special Areas of Conservation
- Impacts on climate change and CO2 emissions
- Loss of Prime Agricultural Land
- Non-compliance with Policy 49A of the LDP2
- Impacts on tourism / recreation in the area / Core Paths

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

ADDITIONAL STATEMENTS

53

Scoping Opinion	EIA Required
Environmental Impact Assessment Report (EIAR):	Submitted
Appropriate Assessment	Habitats Regulations Appraisal Submitted
Additional Supporting Reports Submitted	<ul style="list-style-type: none"> • Pre-Application Consultation Report • Waste Management Plan • Extended Phase 1 Habitat Survey • Summation of Information to Inform a Habitats Appraisal Assessment • Assessment of Environmental Impacts of Noise • Cultural Heritage Report • Scheduled Monument Stability Risk Assessment • Crossing Plan • Pipeline Stability Assessment • EIAR Non-Technical Summary • Restoration Bond Quantification

APPRAISAL

54 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 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

55 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

- 56 The location is a peripheral rural area approximately 2.1 km west south west of Blairgowrie. Policy considerations seeking to assess the developments suitability are Policies 1A / 1B Placemaking; 8 Rural Diversification; 26A, 26B, 27A Scheduled Monument, Archaeology, and Listed Buildings; 39 and 41 Landscape and Biodiversity; 49A and 49B Mineral Extraction and Restoration; 50 Prime Agricultural Land; 56 Noise; 57 Air Quality; and 60B Transport.
- 57 Objections have been raised questioning the need for this development proposal. Section 2.8.2 of the EIAR states *“it is accepted that the existing sand and gravel quarries within Perth and Kinross or from adjacent regions could potentially meet the demand currently met by Marlee Quarry. However, this would result in greater haulage of material within Perth and Kinross, increasing the carbon footprint of the industry. Furthermore, as set out within Policy 49(b) the requirement to source material from alternative locations would not resolve the landbank deficit”*. The applicant estimates the existing sand and gravel production within Perth and Kinross is approximately between 340,000 – 415,000 tonnes per annum (depending on operations at each of the 3 main quarries – including Marlee) equating to a reserve life of between 5.75 and 7 years. Both the SPP and Policy 49A(b) set out that maintaining a minimum of 10 years landbank of permitted reserves within a recognised market area is preferred. In this case the proposal is adjacent to and seeks to extend an existing quarry which already supports market requirements within Perth and Kinross. The proposal therefore accords with the first part of Policy 49A. However, it must be demonstrated that *“their impact on local communities and the environment has been assessed and does not have an adverse residual effect after appropriate mitigation”*. This is discussed further below.

Design and Layout

- 58 The design and layout essentially reflect the physical geology, location of material aggregate and engineering requirements for extraction of material at this location. The proposal is for the extraction of 1.1 million tonnes of sand and gravel at an average rate of 75,000 tonnes per annum for a defined period of 14 years and 8 months from commencement. Consideration has been given to limiting extraction volumes to no more than 75,000 per annum. However, if for any reason the applicant was unable to extract 75,000 in any given year this would preclude being able to access the full material volume over the term of consent. To allow for this discrepancy a maximum volume of 100,000 tonnes per annum is considered appropriate, although it is clearly stated this is not the applicant's intention. It is noted that even working at 100,000 tonnes per annum this is still significantly less than the presently permitted 250,000 tonnes per annum afforded to the existing quarry operations under Planning Permission 17/01371/MWM. The proposed worked quarry zone occupies some 14.44 ha of the total site area. Quarrying will occur over 5 phases referred to as Phases 1 (comprising two areas of ground opening – 1A and 1B), 2, 3, 4 and 5. Whilst primarily only one phase will be operational at a time, inevitably there will be periods of cross over as one is closed and restored with

a new phase opening – creating continuity of supply. The maximum depth of extraction will be 9m within phase 4, however, the depths of extraction are not uniform, with a 6.5m depth required for Phase 1B and only 3.1m in Phase 2. The development incorporates restoration at the conclusion of each phase, with stripped soil and other waste material, (that being unsuitable for aggregate use), being stored onsite and reused. Cross section restoration profiles have been provided, referenced as 21/02104/FLM/15. Soils stripped from the initial phases would be used to form screening mounds located at the Junction of Palace Road and the B947 as well as along the western boundary of the site, adjacent to the existing residential properties on Palace Road. Matters relating to the submitted design and time period of permission are set out in conditions 1-3. Account has been given within the conditions for an initial 6-month period for the implementation of enabling infrastructure (e.g., haulage routes) before quarrying commences.

- 59 Full details of the extraction profiles, soil bunds, restoration profiles and financial quantifications are contained within the Environmental Impact Assessment Report (EIAR), Restoration Bond Quantification and Drawing Reference 21/02104/FLM/15. Whilst restoration profiles and aftercare details have been submitted, Conditions 25 and 26 are recommended to secure implementation and completion, as part of an agreed aftercare management plan. In addition, a Section 75 Legal agreement is recommended to secure a financial bond to deliver any restoration and aftercare in the event this is not undertaken by the applicant. There is no doubting that the development will result in a significant visual change to this location, particularly during operations. However, it is concluded that those impacts to visual amenity are able to be sufficiently mitigated through the use of: phasing, to minimise the area of disturbance at any one time; the introduction of temporary soil bunds to reduce open views across the site; the use of existing peripheral vegetation as partial screening and by the position of extraction phase areas themselves, which are set back from the field boundaries affording a physical buffer between operational areas and those who live and or transition past this location. Restoration and aftercare will revert the site back to its pre-existing agricultural use at the conclusion of the consented term, being 16 years and 2 months after quarrying is initiated (condition 2).

Landscape and visual amenity

- 60 Safeguarding and enhancing landscape character forms part of policies 39 and 49B. In this instance, the position and means of extraction is based on local geology and location of material required, which will remain unchanged. Thus, landscape and visual impacts are inevitable given the openness of the site, particularly from sections of the B947 public road. Therefore, it is especially important to ensure robust landscaping, protection of existing trees along the southern boundary of the new extraction area and aftercare to soften the immediate and cumulative landscape impacts, whilst also improving biodiversity opportunities.
- 61 A full assessment of landscape character and impacts assessment is contained within Section 6 of the EIAR. Mitigation is proposed, such as phasing of the

development, the infilling of Phase 1A to original ground levels, utilising shallow final quarry slopes to form smooth landform transitions, soil bunds, tree planting along the western site boundary and the restoration of the landform to a similar landcover at present, being design led in consultation with NatureScot, HES and the Council. Overall, it is concluded from the EIAR that the landscape impacts of the proposal are moderate during the operational phase, reducing to slight upon final restoration. There is no identified potential for new significant cumulative visual impacts. Having regard to the existing baseline character of this location, which is predominately agricultural in nature, with the existing quarry to the south of the proposed new extraction area, the Planning Authority broadly accepts the conclusions of the EIAR.

62 Subject to conditions requiring landscape details to be submitted and agreed, the protection of existing trees, along with the implementation of restoration agreements, the impacts on landscape and amenity are considered acceptable. Conditions 15–22, 25 and 26 are all recommended to address these matters.

63 The development is considered to accord with policies 38A, 38B, 39 and 49B.

Roads and Access

64 The application has been reviewed by the Council's Transportation Planning Service who have confirmed that they do not believe the development will have a significant negative impact on the public road network. The data provided shows that the additional vehicular traffic generated would be minimal and should therefore not negatively impact the road network. Full visibility requirements for the access points have been met or can be met within land owned by the applicant subject to some minor vegetation clearance. The application states that a total of 8 HGV movements in and out of the new quarry area (i.e 16 movements per day). This is less than the number of vehicles movements occurring from the existing operation.

65 Whilst few concerns are raised by the area Roads Authority a condition has been recommended to secure the new vehicle access onto the public road in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail. A further condition is recommended that the applicant supply a Construction Traffic Management Plan, to be agreed by the Roads Authority prior to works commencing. Conditions 7 and 8 are recommended.

66 Subject to conditions the development is considered to accord with Policy 60B of the LDP2.

Drainage and Flooding

67 The site is outwith the functional floodplain and there are no land drains/watercourses within the site hence fluvial flood risk is negligible. In terms of hydrogeology the site will be dry worked, meaning operations will be above the water table, with the exception during rain fall events when water

may filter through the exposed areas. No objections have been raised by SEPA or the Council's Flood Risk/Drainage Officer. The development is considered to accord with Policy 53 of the LDP2.

Dust and Noise

- 68 The development as proposed has the potential to generate noise and dust nuisance which may differ from any existing quarry activities particularly on residential receptors nearby, recreational users in a wider setting and on the SAC, including the Lunan Burn (being part of the River Tay Special Area of Conservation and SSSI, the Lochs Clunie and Marlee and The Ardblair and Myreside Fens). Accordingly, Policies 38A and 38B in particular are applicable in the assessment of this application.
- 69 The application has been reviewed by Environmental Health in terms of Noise, Air Quality and Dust, having regard to PAN 50 (Planning, Environmental Protection and Restoration) and Annex B 'The Control of Dust at Surface Mineral Workings 1998' and IAQM 'Assessment of Mineral Dust Impacts for Planning 2016' guidance. The EIAR concludes that noise levels at a worst case predicted scenario will be above background levels at Marlee Mill Lodge. However, the noise levels will remain within the acceptable level of 50dB(A) as set out in World Health Organisation: Guidelines for Community Noise 1999. Environmental Health have therefore raised no objection in respect of noise but recommended conditions to control absolute noise levels as well as limiting times of operation and any processing to be undertaken (Conditions 9-12).
- 70 In respect of dust and air quality Section 10 of the EIAR states that the assessment of the proposal as a new and additional source confirms that objectives PM10 - 18 g/m³ and PM2.5 - 10g/m³ are met at the worst-case scenario. The report states there are no operations in the vicinity of the site that could give rise to a potential cumulative dust impact. Environmental Health in their review confirm that operations can be undertaken without exceeding the Air Quality Objectives for PM10 and PM2.5 and dust impacts are negligible to slight, and no residual impacts have been identified. As such no objections are raised to the development. However, conditions are recommended to ensure no processing of material is carried out within the new northern extension area and that the applicant shall submit a Dust Management Plan for approval prior to the commencement of works. (Conditions 15 and 16).
- 71 Objections have been raised by residents relative to dust at their own properties and in terms of potential impacts to the SAC, Lochs Clunie and Marlee as well as the Ardblair and Myreside Fens. These concerns have been raised with both the Council's Biodiversity Officer and NatureScot who also confirmed in their consultee responses that subject to the mitigation measures outlined within the Phase 1 Ecological Survey and Habitat assessment and Habitat Regulations Appraisal being adopted, no objections are raised. Conditions 15, 16, 19, 20 and 21 are recommended. It is concluded that the development, subject to this mitigation, accords with Policies 39-41 and Policy 51 of the LDP2.

Tourism and Recreation

- 72 Whilst the development is a continuation of an existing quarry, by an established operator at the location, the proposed expansion and new extraction area has the potential for adverse impacts on recreational users in a wider setting, and in particular along existing core path routes nearby, namely Core Path BLAI/135.
- 73 The EIAR considers amenity effects on local sensitive receptors, including socio-economic receptors. None of the assessments identify significant effects on tourism or recreational receptors. Only limited views of the proposed operations (although those views will be open and extend across the whole extraction area) will be visible from the B947, and no significant views will be possible from the surrounding core paths. In terms of holiday lets or bed and breakfast activities the proposed development is not anticipated to lead to significant changes in the number of tourists visiting the local area or any investment in this sector, particularly in view of the proposed mitigation measures which will be adopted through conditions (as discussed above).
- 74 The primary impacts are considered to be from noise and or dust during operational activities. These have been assessed above are not considered to raise any significant impacts subject to conditions pertaining to; plant noise, operating times, ensuring the processing of material occurs at the existing processing area, and the implementation of a Dust Management Plan. Conditions 9-16 have been recommended.

Heritage Assets / Archaeology

- 75 The proposed new extraction area is referred to as being 'highly archaeologically sensitive', as it is located adjacent to known nationally important archaeological assets, including the Leys of Marlee Stone Circle Scheduled Monument (SM) 1560 as well as buried archaeological material identified during previous preliminary investigation work. In addition, in a wider setting, the Leys of Marlee Farmstead is located to the immediate north of the quarry extension area (being a Category C Listed Building) and Ardblair Castle (Category A Listed) is located approximately 560 m to the northeast.
- 76 Initially, the Perth and Kinross Heritage Trust (PKHT), Historic Environment Scotland (HES) and the Council's own Conservation Officer raised concerns regarding impacts from the development. PKHT raised concerns in respect of a lack of pre-commencement work and in terms of the visual impacts of the development. HES raised concerns more specifically in respect of Scheduled Monuments (SM) located within and or immediately adjacent to the site boundary being the Leys of Marlee, a ring-ditch 400m SSW of (SM7170) and the Leys of Marlee ring-ditch 450m S of (SM7171). Those concerns related to direct impacts on those monuments in terms of slippage caused by quarrying activities. The applicant has, following concerns being raised, submitted a Stability Risk Assessment, prepared by DAL, dated 17 February 2022 which has subsequently been reviewed by HES and PKHT. Both parties have now agreed that subject to works commencing in accordance with the details submitted and fencing being erected around the SMs to exclude operational works in their proximity (Condition 24), their objections are withdrawn. PKHT

has also requested an archaeological watching brief be submitted and agreed prior to works commencing (condition 23).

- 77 The concerns raised by the Council's Conservation Officer noted that the development may not directly impact nearby listed buildings in terms of visual impacts, but may have impacts in terms of noise, dust and vibration on their settings. These matters have also been addressed by HES in their final response. HES have confirmed that the Applicant's submission gives no analysis of potential impacts on the setting of the Leys of Marlee Farm or the stone circle, Blairgowrie-Lethendy Road, 460m SE of (SM1560) caused by noise and dust. That said, "we are content that these impacts would be of a limited magnitude and would not raise issues of national interest". Consequently, subject to conditions 9 - 16, 25 and 26 the development is considered to accord with policies 26A, 26B and 27A of the LDP2.

Natural Heritage and Biodiversity

- 78 The LDP contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Ardblair and Myreside Fens (SSSI) lies 470 m to the north-east. Loch Marlee, lies approximately 820m west of new extraction area, and forms part of the Dunkeld - Blairgowrie Lochs Special Area of Conservation (SAC). Lunan Burn, which flows from Marlee Loch and within 60m of the south-east corner of the existing consented quarry and stockpile area and is a tributary of the River Isla and as such is included within the River Tay SAC.
- 79 The applicant has undertaken a Phase 1 Ecological Survey and provided information to inform a Habitat Regulations Appraisal with mitigation measures outlined. These documents have been reviewed by NatureScot and the Council's Biodiversity Officer. Subject to the implementation in full of all mitigation measures, no objections have been raised. Furthermore, SEPA in their own consultation response have raised no objection relative to hydrology and or hydrogeology from the development. Conditions 19-22 are recommended
- 80 Whilst the development may be located within the catchment of such designations, subject to conditions to ensure mitigation measures are in place, the development is considered to accord with policies 38A, 38C, 40 and 41 of the LDP2.

Loss of Agricultural Land / Soil Carbon

- 81 Policy 50 sets out that development outwith 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.
- 82 Whilst the existing use of the site comprises agricultural land the Land Capability Classification for agriculture defines the soil type for this site as being

LCA Class 4, such a classification indicating that the land is capable of producing a narrow range of crops due to the soil acidity. The land is thus not defined as prime agricultural land. The reasons for selecting the location are clearly set out and considered within the EIAR, highlighting that this application represents an extension to an existing quarry where there are identified deposits. The close proximity of the new northern extraction area reflects the need to haul material from this location to the existing quarry for processing. The continuation of quarrying at this general location will reduce the haulage of material within Perth and Kinross whilst also meeting with the SPP and LDP2 land bank targets for maintaining 10 years of aggregate supply within a recognised market area.

- 83 Measures to manage, protect and reinstate soils have been set out within the EIAR which will be appropriately covered by conditions 25 and 26 satisfying the objective terms of Policy 50 of LDP2. On balance, noting the narrow range of crops able to be produced at this location, and therefore the limited production capacity that will be lost, and having regard to the fact that this is a temporary activity, (with a permission term of 16 years and 2 months from commencement) it is considered the loss of agricultural land will have only a negligible impact. Following restoration and aftercare the site will be returned to agricultural use.
- 84 Having regard to soil carbon loss, it is noted that the stripped soils will be wholly retained and managed onsite and reused following each phase. It is also confirmed that part of the site restoration plan proposes biodiversity improvements in the form of a small woodland and shrub planting as well as a wetland pond within part of the northern extraction area. Such improvements will remove and retire 2.4 ha from agricultural working permanently reducing carbon loss from such processes. The EIAR states that only a proportion of the site will actually be worked at any one time and as such the amount of carbon lost will be less than might otherwise be expected through arable cropping practices. Overall, it is considered any impacts to soil carbon loss will be acceptable, having regard to the restoration commitments and phasing of the development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 85 A Section 75 legal agreement will be required to secure the terms of a bond or financial instrument to guarantee the delivery of site decommissioning and restoration over the lifetime of the development and beyond. A bond quantification document has been submitted and peer reviewed in accordance with the Council's Supplementary Guidance in relation to Financial Guarantees for Mineral Development. The restoration quantification has been based on the cost of bringing appropriate external contractors on-site to carry out the required works in the event the applicant is not able to deliver this restoration in accordance with the phased details submitted. Provision has been made for aftercare over a period of 5 years. In keeping with the estimation of potential restoration liability (including a contingency of 5% and accounting for the phased approach to excavation as proposed), it is recommended that the commencement bond be set at an initial value of approximately £241,000 to be

reviewed every 3 years. The financial guarantee offered by the applicant is a bank guarantee, the details of which will be reviewed and determined acceptable prior to the completion of any formal legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 86 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

- 87 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 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.

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. The term of approval for this permission shall be 16 years and 2 months from the date of Notification of Initiation of Development.

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.

3. All sand and gravel extraction within the site shall be completed within 15 years and 2 months from the date of Notification of Initiation of Development. All plant and machinery shall be removed from the site and the land entirely reinstated to the satisfaction of the Council as Planning Authority at the termination of operations or the expiry of the term of approval specified by Condition 2, whichever is the earlier. Termination of operations shall be deemed to be on the cessation of sand and gravel extraction operations for a period of 6 consecutive months.

Reason - In accordance with the terms of the application and for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

4. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted. No more than two phases shall be worked at any one time. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

5. The rate of extraction of material from the site shall not exceed 100,000 tonnes per annum.

Reason - To secure the proper development of the site.

6. A record of the quantity of material extracted shall be submitted to the Council as Planning Authority on an annual basis.

Reason - To secure the proper development of the site.

Transport and Planning

7. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

8. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) 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 developers 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 Road Safety

Noise

9. The hours of operation for excavation works shall be restricted to between 0800 hours and 1600 hours Monday to Friday only, with no operations permitted on Saturdays and Sundays. All other operations will be restricted to 0700 hours and 1900 hours Monday to Saturday, with no operations permitted on Sundays.

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

10. Noise from quarry operations, excluding soil handling activity and other works in connection with landscaping shall not exceed 45 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any existing residential property, except for Marlee Mill Lodge.

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

11. Noise from quarry operations, excluding soil handling activity and other works in connection with landscaping shall not exceed 47 dB LAeq,1hr when measured and assessed in accordance with PAN 50 Marlee Mill Lodge.

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

12. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks.

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

13. 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 10 -12 above. 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 10 -12 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 for written approval with 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.

14. No mineral processing operations at any time are permitted within the proposed extraction areas, referenced in Drawing 03 hereby approved.

Reason: In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to extraction areas hereby approved.

Dust

15. A Site Dust Management Plan (SDMP) for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Environmental Health. The SDMP shall set out dust control mitigation measures and a complaints procedure as outlined in Section 10.9 of the supporting Environmental Impact Assessment Report dated November 2021. All dust management onsite shall thereafter proceed in accordance with the approved scheme for the duration of this permission.

Reason: In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to the northern excavation area hereby approved.

16. The stockpiling of any extracted and or processed material shall only occur within the Existing Stocking and Processing Area as defined by drawing 17 hereby approved. The maximum height of any stockpile shall not exceed 12 metres from existing ground level.

Reason - In the interests of the visual amenity of the area.

Lighting

17. 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 boundaries of the site.

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

18. The operation of the silt ponds and settling beds required shall be on a closed-circuit system to ensure no discharge to the water environment to the satisfaction of the Planning Authority.

Reason - To secure the proper development of the site and avoid pollution.

Biodiversity

19. 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

20. 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: In the interests of amenity and enhancement of local biodiversity values.

21. The conclusions and recommended action points within the supporting Extended Phase 1 Habitat Survey, prepared by Direct Ecology, dated 27.10.2021 Version 3 submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

22. 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).

Archaeology

23. 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: In the interests of protection the historical environment and in order to protect any archaeological assets that may be present within the site.

24. Prior to the commencement of the development hereby approved, protective fencing shall be erected where required around Leys of Marlee (SM7170), Ring Ditch Leys of Marlee (SM7171), Burnside enclosure (MPK18893) and potentially other sites dependent on the approved WSI in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: In the interests of protecting national significant Historical assets.

Aftercare and Restoration

25. Restoration shall be undertaken in a progressive manner in accordance with the restoration commitments detailed in Sections 4.3 and 4.4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated 22 November 2021 and the indicative restoration plan Figure 4.1.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 26 Within six months of final cessation of quarrying a scheme for final landform restoration and aftercare, shall be submitted for the prior approval of the Planning Authority and shall be based on the restoration and aftercare commitments detailed in Sections 4.3 and 4.4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated 22 November 2021 hereby approved. Thereafter, the final landform restoration operations and aftercare scheme shall be implemented in accordance with the approved details.

Reason - To ensure that the final contours, updated restoration plans and any after care management for the site are adopted and that the site is capable of beneficial after use, whilst minimising impacts on the landscape, nature conservation and amenity of the surrounding area.

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

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with site decommissioning, restoration and aftercare has been completed and signed along with that bond or financial instrument. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the Minerals and Other Extractive Activities Policy 49B; Restoration and will be ultimately recommended for refusal under delegated powers.

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. 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 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. According to 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.
4. The applicant is advised that in terms of Sections 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 Environmental Protection Agency (SEPA).
 5. 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 is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
 7. 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 wildbirds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 8. An updated ecology survey is required if work has not commenced within 2 years of date of last survey (September 2021) approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for further written agreement.
 9. Results of restoration monitoring be sent to the Local Authority via Biodiversity@pkc.gov.uk
 10. 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.
 11. 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.

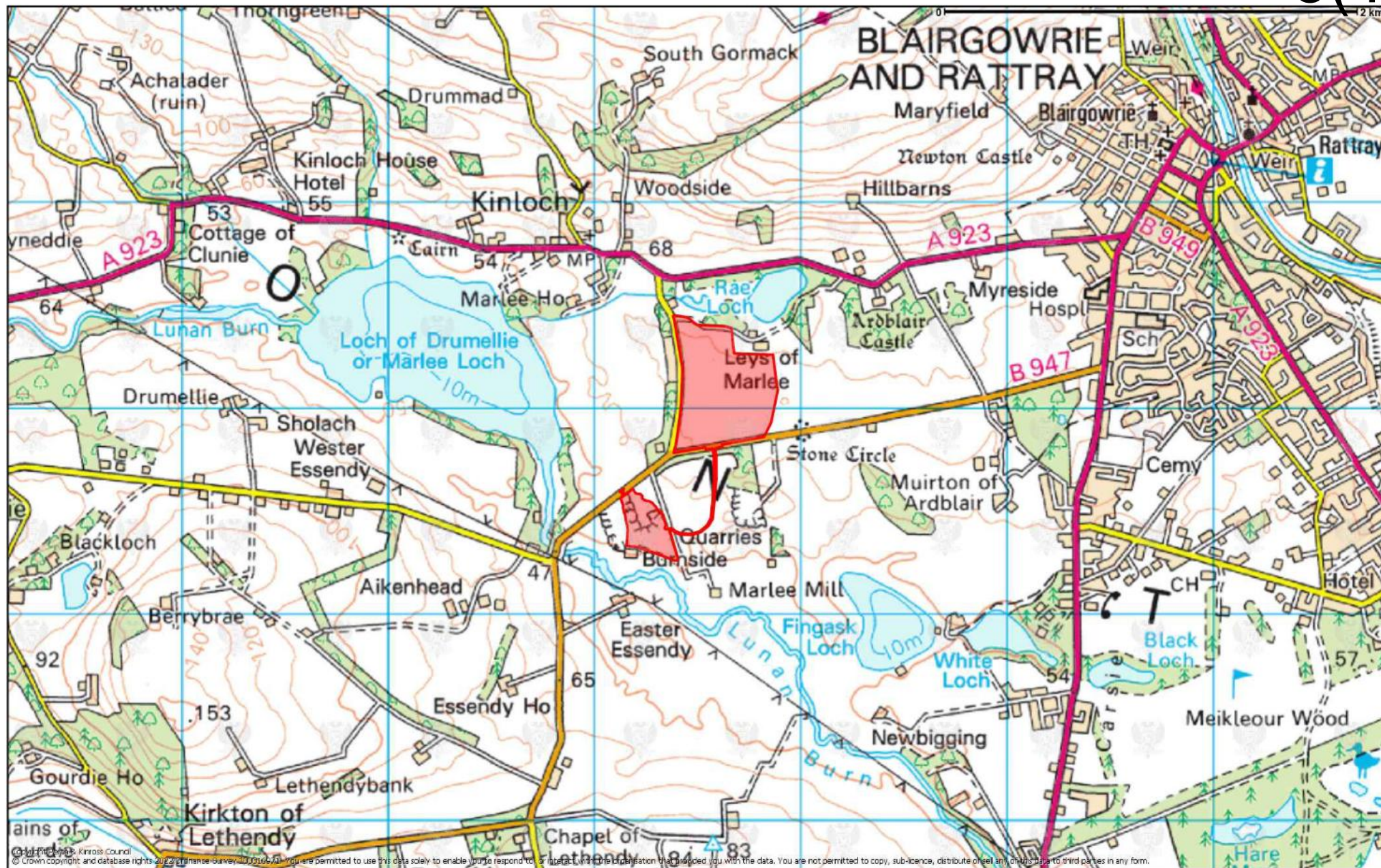
Background Papers: 103 letters of representation
Contact Officer: Jamie Torrance
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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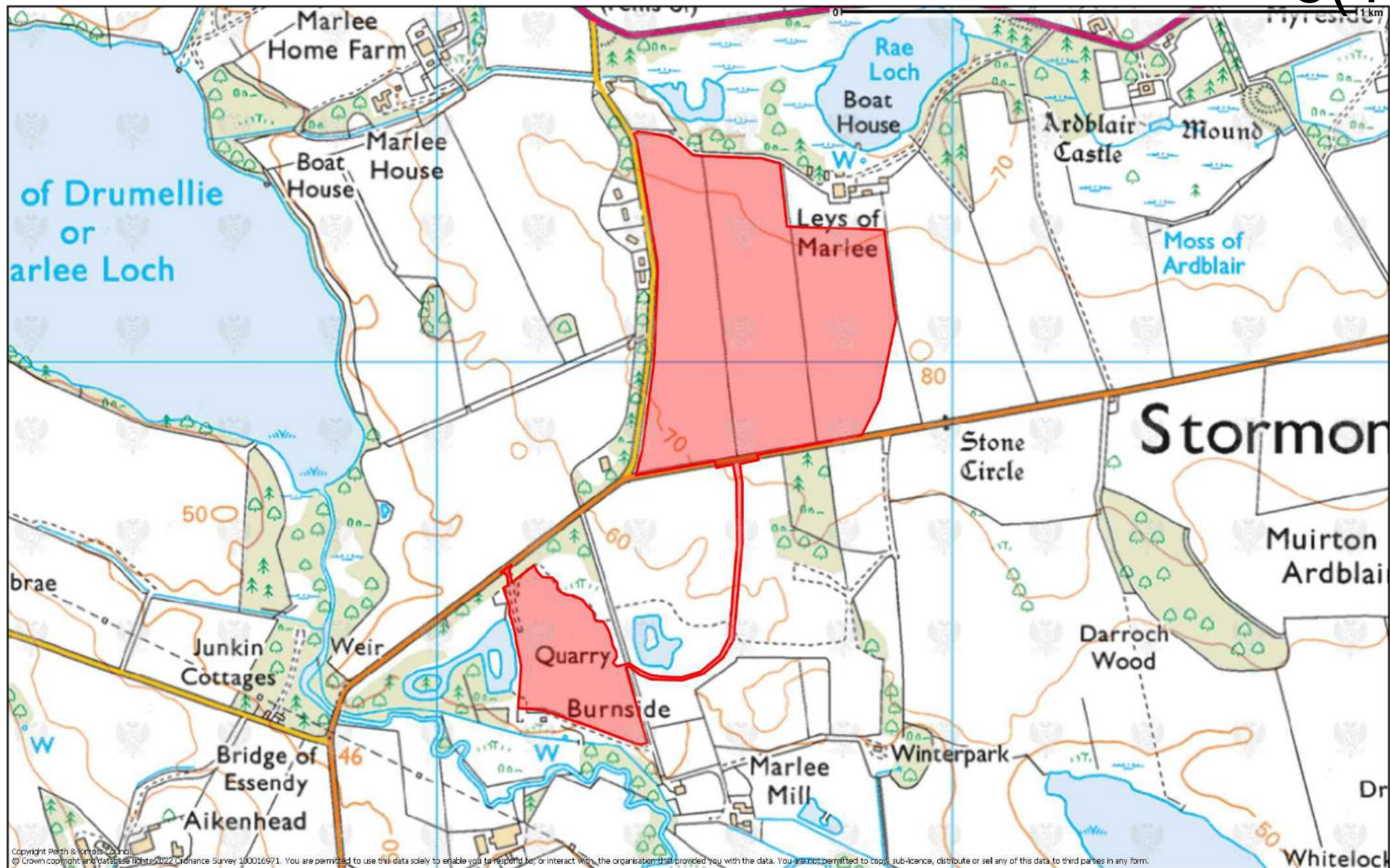
Planning and Placemaking
Committee - 23 November
2022
Scale 1:25000



21/02104/FLM

Extension to quarry and associated works Land 750 Metres
North East Of Marlee Quarry Essendy





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Planning and Placemaking
Committee - 23 November
2022
Scale 1:10000



21/02104/FLM

Extension to quarry and associated works Land 750 Metres
North East Of Marlee Quarry Essendy



Perth and Kinross Council
Planning and Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/284)

PROPOSAL:	Formation of A9 slip road and junction including road widening, landscaping, drainage works and erection of a replacement bridge
LOCATION:	Land at A9(T) and Shinafoot Road (B8062) near Auchterarder

Ref. No: [21/01968/FLM](#)

Ward No: P7 – Strathallan

Summary

This report recommends refusal of the application which proposes: the formation of a southbound off slip road from the A9 at Shinafoot, Auchterarder; a new junction onto the B8602, with associated road widening, drainage, landscaping and a replacement bridge over Ruthven Water. The proposal fails to accord with the Development Plan, raising concerns in relation to traffic safety and biodiversity, and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is c4.42 hectares (ha) in area, situated at Shinafoot, some 1.7 kilometres (km) north-east of Auchterarder. The proposed slip road would replace approximately 3ha area of semi natural / mixed woodland adjacent to the existing A9 Trunk Road (A9). The Ochils Special Landscape Area boundary is some 500 metres (m) to the east and the Ochil Range Site of Special Scientific Interest (SSSI) 1km to the south-east.
- 2 The proposal is to form a new grade separated junction, comprising a south bound off slip road from the A9. Additional and associated works are also proposed to the B8602, (which will connect to the new slip road), including road widening, drainage works and the installation of a replacement bridge across the Ruthven Water. The most significant visual impact will result from the earthworks with a cut through an existing embankment and woodland with ground levels lowered by up to 10m to facilitate the road geometry. Proposed ground profiles are illustrated in Drawing Reference 21/01968/07 - Landscape Cross Sections.
- 3 The Auchterarder Expansion Townhead & Northeast Development Framework (DF) was originally adopted by the Council in February 2008 as planning guidance under the adopted Local Plan at that time, the Strathearn Area Local Plan 2001. In the DF, Trunk Road junction improvements at Shinafoot are identified as a requirement for the delivery of the Auchterarder Development

Framework housing sites. Those housing opportunities being under the control of the applicants. The DF reports Transport Scotland's requirements for the junction improvements, as set out at that time. The improvements were designed to address safety issues and not operational capacity restrictions. Following on from the DF for Auchterarder outline Planning Permission was granted in 2008 (Ref: 08/01133/OUT) for a 'Major' mixed use development, including: residential, business, general industrial and storage uses. That application was subject to a Section 75 Planning Obligation limiting the occupation of no more than 389 open market dwellinghouses, until "*a new grade separated junction on the A9 at Shinafoot Road (B8602) by way of provision of southbound on and off slips and utilising the existing Shinafoot Road underpass together with associated works generally in accordance with the specification and layout on Drawing No. BT1202803/901270/05 Dated April 2002*" had been completed.

- 4 This application seeks to begin implementation of the transport obligations under this section 75 legal agreement, to enable the limit on housing occupation to be lifted. However, the aforementioned and defined "*Shinafoot Junction Improvement Works*" requires that the Consortium (being the applicants in this case) is contracted to provide a new grade separated junction with two essential design features. The first is that it has southbound on and off slips, and the second is that those on and off slips require to be accessed via the existing Shinafoot Road underpass. In this context the extent of development proposed in the current application does not include a southbound on slip to the A9 and as such it fails to meet the full junction improvement works required by legal agreement. Further details are discussed below.
- 5 The Council's Supplementary Guidance "*Planning for Nature – Development Management and Wildlife Guide, April 2022*", sets out the requirement for developments to provide compensatory planting in circumstances where trees or woodland will be lost. Where woodland loss is unavoidable, and mitigation is required, the Council will follow the Scottish Government's Policy on the Control of Woodland Removal (PCWR). It is expected that landscape proposals are provided detailing replacement or compensatory planting, wherever possible within, or adjacent to, the site of loss. The development proposed would see the loss of 3.3 ha of woodland and only 1.7 ha of compensatory planting is set out within the site boundary. This leaves a net shortfall of 1.6 ha of woodland which will be lost and not replaced. The applicant was requested to provide alternative planting options but has been unable to do so. To offset any loss in woodland the applicant has offered to make a one-off single payment to the Council of £24,000, with the expectation that PKC provide off site planting elsewhere. The payment would be made under Section 69 of the Local government (Scotland) Act 1973 and secured through legal agreement. Whilst the payment is at the discretion of the Council whether to accept, the Planning Authority is concerned by the precedent that seeking a payment of this type may set in terms future applications. It is considered that this financial offset offer does not comply with the PCWR or Policy 41 of the Local Development Plan 2 (2019).

- 6 There are two associated 'local' planning applications which propose further related works connected to those contained in this application.
- 7 The first being 22/00546/FLL which proposes additional road widening and drainage works related to both the proposed new A9 off slip and at Shinafoot Road. These works resulted from discussions with the Council's Transportation & Development team, following submission of the application subject of this report (Ref: 21/01968/FLM), which confirmed that additional road widening, and drainage works were required, over and above those set out in this application. Rather than withdraw, amend and resubmit 21/01968/FLM those matters are contained within that separate related application which is subject to a separate report on the agenda for this committee.
- 8 The second associated application is 22/00724/FLL, which proposes to form a new vehicle layby within the A9 road boundary, as the proposed off slip junction requires removal of an existing layby. The revised location has been agreed with Transport Scotland. This application was approved on the 13 July under delegated authority.

Environmental Impact Assessment

- 9 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for certain 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.
- 10 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.
- 11 An EIA screening has previously been undertaken by the Planning Authority (Reference 21/00206/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: flooding, noise, ecology, traffic and transport were required and submitted in support of this application.

Pre-Application Consultation

- 12 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to scale and size of the application area exceeding 2 ha. The applicant was therefore required to undertake formal pre-application consultation with the local community. The PAC Report notes that a letter drop to local properties (within a 250 m radius) was undertaken, outlining that a consultation event was to be held online, in accordance with the relevant regulations in place at the

time. This online event was held on Wednesday 30 June 2021, between 11am and 1pm and again from 5pm to 8pm. The local MP, MSP and Council Members were also notified. A total of 7 individuals made comment during the events and 11 completed feedback forms. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the regulations.

- 13 Public concerns raised during this pre application consultation process related to: pedestrian access; access to private land adjoining the development; noise; impacts; impact on traffic flow and congestion; flooding of the Ruthven Water; being considered a departure from road construction standards; access to other local roads; impacts on traffic flows in Auchterarder; ongoing maintenance of the road; safety of all road users and in particular concerns about the closure of the Aberuthven Junction. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.

NATIONAL POLICY AND GUIDANCE

- 14 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

- 15 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 (SPP)

- 16 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.

- 17 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

- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 270 – 291

Planning Advice Notes

18 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 66 Trunk Road planning applications best practise guidance.
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 1/2011/: Planning and Noise
- PAN 3/2010 Community Engagement

National Transport Strategy 2020

- 19 The Strategy presents the vision for Scotland's transport system over the next 20 years. This focuses on four key priorities, reducing inequalities, taking climate action, delivering inclusive economic growth and focusing on the health and wellbeing of community.
- 20 The development will increase traffic congestion within Auchterarder daily and thus has a net determinant to the health and wellbeing of the community. The corresponding potential for additional risk to pedestrians and cyclists is also increased. However, the development will have economic benefits to the community in terms of allowing further housing development. On balance whilst the development does promote some of the aims of the transport strategy those impacts to health and wellbeing are considered to carry the greater planning weight in this case. The development does therefore not align with the Transportation Strategy.

National Roads Development Guide 2014

- 21 This document supports Designing Streets and expands on its principles and is the technical advice that should be followed in designing and approving of all streets including parking provision.
- 22 The proposed development is considered by the Council's Transportation & Development team to be of concern in terms of road safety, pedestrian movements and air quality while further increasing traffic congestion. The development does not accord with the Roads Development Guide.

Scottish Government's Policy on the Control of Woodland Removal (CWRP)

- 23 To provide policy direction for decisions on woodland removal in Scotland. The proposed development is seeking to remove an area of approximately 1.6ha of woodland without offering compensatory planting within or near to the development site. Means of mitigation is offered in the form of financial compensation to the Council to provide offsite planting. The CWRP implementation guide has some guidance on compensation and planning requirements (see annex 6) and leaves it up to councils as to whether a sum would be acceptable. Following the CWRP the Council would be seeking an area at least equal to the area removed and of a native mix appropriate to the area in which it is planted. There are requirements in the CWRP for certainty such as requiring a compensatory planting plan before felling is approved, and planting to be complete within 5 years of the permission. The provision of a commuted sum in this case does not seek to offer any planting plan. Furthermore, the sum does not account for labour costs or ongoing monitoring. Overall, it is considered that the mitigation offer does not align with the CWRP of the Council's supplementary Guidance on Woodland Removal.

DEVELOPMENT PLAN

- 24 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

- 25 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 development plan 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."

- 26 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 2 Shaping Better Quality Places
- Policy 6 Developer Contributions
- Policy 8 Green Networks
- Policy 10 Connecting People, Place and Markets

Perth and Kinross Local Development Plan 2

- 27 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.

28 The principal relevant policies are in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 23 Delivery of Development Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- 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 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

29 The relevant Supplementary Guidance are,

- Supplementary Guidance: Air Quality, February 2020
- Supplementary Guidance: Developer Contributions and Affordable Housing, April 2020
- Supplementary Guidance: Flood Risk and Flood Risk Assessments, March 2021
- Supplementary Guidance: Forest & Woodland Strategy, February 2020
- Supplementary Guidance: Landscape (February 2020)
- Supplementary Guidance: Placemaking (February 2020)

Non-Statutory Supplementary Guidance

- Supplementary Guidance: Planning for Nature – Development Management and Wildlife Guide, April 2022

Auchterarder Expansion Townhead & Northeast Development Framework

30 A need for improved access to the A9 trunk road north and south of the settlement is identified in the Local Development Plan 2, forming part of the Auchterarder Settlement summary description. To date a new trunk road junction at Loaninghead south of Auchterarder has been completed. However, a trunk road junction north of the settlement is also needed as the planned expansion of the settlement continues beyond the identified threshold, to address safety issues. A specific location for the new junction was not identified

within the Local Development Plan, however the Plan highlights that Shinafoot is the planned location.

31 Within the Development Framework (DF), Trunk Road junction improvements at Shinafoot are identified as a requirement for the full development of the Auchterarder DF housing sites. The detail as to what works are required and why is set out and can be summarised as follows:

- The DF reports Transport Scotland's requirements for the junction improvements as set out at that time. The improvements proposed to address safety issues and not operational capacity restrictions. Transport Scotland describe the type and location of the required trunk road junction at Shinafoot, "...the new Interchange at Shinafoot would include the provision of southbound on and off slips and would utilise the existing Shinafoot Road underpass below the A9 to accommodate the grade separated crossing of the A9 from the southbound carriageway."
- The DF also notes that Transport Scotland suggest staging of the trunk road improvements as development progresses.
- A modest development of 50 residential units would be acceptable without junction improvements.
- The Loaninghead improvement (permitting the closure of the central reserve gap at Auchterarder South) should be implemented first, followed by Shinafoot (permitting the closure of the gap at Aberuthven)
- The full Masterplan development at Auchterarder would require the provision of both Loaninghead and Shinafoot Junction Improvements.
- Detailed assessment would be required to establish an acceptable intervening level of development that could be accommodated with the Loaninghead Improvement
- The DF included the figure of up to 350 dwellings could be accommodated within the Loaninghead junction improvement.

32 After the adoption of the DF and as noted in Paragraph 3, Planning Permission 08/01133/OUT was granted, subject to a Section 75 legal agreement restricting open market housing development to no more than 389 units until after the completion of the agreed roads junction improvements. The DF is no longer supplementary guidance within the LDP2 but is considered a material consideration in any decision.

SITE HISTORY OF RELEVANCE

33 [08/01133/IPM](#) Planning Permission in Principle was granted on 31 October 2013 for a mixed-use development including residential, Class 4 (Business), Class 5 (General Industry) & Class 6 (storage and distribution) uses on Land at Castlemains and Kirkton, Auchterarder.

34 [21/00206/SCRN](#) A Screening Opinion was issued by the Planning Authority on the 1 April 2021 for the construction of a new southbound diverge slip road on the A9, connecting Shinafoot Road (B8602) with a simple priority junction as well as including landscaping, drainage and associated works.

- 35 [21/00008/PAN](#) A Proposal of Application Notice related to the formation of an A9 slip road and junction with the B8062 and other road infrastructure including landscaping, drainage and associated works was submitted and PKC, with a response issued on 1 June 2021.
- 36 [22/00546/FLL](#) A 'Local' application proposing the Formation of road widening and drainage works associated with 21/01968/FLM (works to A9 trunk road) is presented elsewhere on this Committee Agenda.
- 37 [22/00724/FLL](#) Planning Permission was granted on the 13 July 2022 for the formation of a layby and associated works related to 21/01968/FLM (works to A9 trunk road) on land At A9(T) And Shinafoot Road (B8062) Auchterarder.

CONSULTATIONS

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

External

- 39 **Transport Scotland (TS):** No objection, subject to conditions related to a replacement layby, and that works accord with the details submitted. Informative notes are requested to flag the need for further engagement with Transport Scotland at the construction phase.
- 40 **Auchterarder and District Community Council (ADCC):** Object. Raise concerns that the proposals do not accord with the Section 75 and that failure to implement the full junction works previously agreed will impact traffic movement and road safety.
- 41 **Scottish Environment Protection Agency (SEPA):** No objection, subject to a condition to narrow the upstream splay span of the Ruthven Water Bridge during its replacement, in line with the flood risk assessment provided by the applicant. SEPA has agreed with the flood risk assessment conclusions and notes that works overall will have a neutral impact on flooding. Advise a CAR Licence has already been obtained for the works within Ruthven Water.
- 42 **Scottish Water (SW):** No objection or further commentary provided.

Internal

- 43 **Structures And Flooding (S&F):** No objection. The applicant is directed to the Council's Technical Design Standards for Roads and Bridges.
- 44 **Environmental Health (Contaminated Land) (EHCL):** No objection, subject to condition to secure a site evaluation to confirm the potential for any contamination.
- 45 **Biodiversity/Tree Officer.** No objection. Initially requested revisions to the draft Construction Environmental Management Plan (CEMP) and the need for

compensatory planting. Also, that an Ecological Clerk of Works (ECoW) be secured. Note compensatory planting in full is not possible within land under the applicant's ownership and that to address this shortfall a one off £24,000 payment is being offered under Section 69 of the Local Government Act (Scotland) 1973 to the Council for biodiversity use. Advise that the principle of this payment as a means of addressing the Supplementary Guidance raises concern in terms of the precedent it will set for future applications. However, do not object.

- 46 **Environmental Health (Noise Odour) (EHNO):** No objection subject to conditions to secure acoustic mitigation barriers along the B8062, such noise mitigation as set out within the supporting Noise and Vibration Assessment Report, and the provision of a Dust Management Plan.
- 47 **Planning and Housing Strategy:** Advise that the need for new junction connections to the A9 north and south of Auchterarder are set out within the Local Development Plan 2 and that consideration in any decision must be given to both the original Development Framework and the most recent consultation with Transport Scotland.
- 48 **Development Contributions Officer:** No objection. Commentary provided in respect of the Section 75 obligations and confirmation that if the proposals are approved a modification to the Section 75 Agreements will be required in accordance with Section 75A(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). Also confirm that any modification of the planning obligation, owing to the extent of the changes likely, would require a formal application.
- 49 **Transport Planning (TP):** Objection. Significant commentary provided in respect of traffic modelling within Auchterarder, noting the impacts of the proposed development compared with the full junction works as set out in the Section 75. The development will increase the number of vehicle movements through Auchterarder town daily by over 1000 vehicles and 70 HGVs. It is the view of TP that such increases are detrimental to Auchterarder's sense of place, health & wellbeing, and active & sustainable travel methods. Thus, they are contrary to Design Streets, the National Roads Development Guide and the National Transport Strategy. These policy documents are clear that traffic capacity should not always be of prime consideration in decision making and that weight must be given to the Place Principle. The increased traffic generation raises concern in relation to matters of road safety, pedestrian movement, and air quality.

REPRESENTATIONS

- 50 5 objections have been received. The main issues raised are:
- Visual impacts
 - Noise from construction and traffic
 - Traffic and road safety Impacts
 - Air pollution from construction and road traffic

- Flooding
- An overall sense that there will be no local benefits to the development as proposed

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

ADDITIONAL STATEMENTS

52

Screening Opinion	No EIA required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal – Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Ecological Impact Report • Landscape and Visual Assessment • Planning Statements 1 and 2, Including Design Report – A9 Shinafoot Junction (February 2020) • Drainage Impact Assessment • Noise and Vibration Impact Assessment • Air Quality Impact Assessment Report • Flood Risk Assessment

APPRAISAL

53 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.

Principle

54 The location is a peripheral rural area outside Auchterarder adjacent to the A9. LDP2 policy considerations in assessing its suitability in principle are Policies 1A and 1B: Placemaking; Policy 23: Delivery of Development Sites; Policies 39-41: Landscape, Trees and Woodland and Biodiversity; Policy 53: Water Environment and Drainage; and Policy 60B: Transport Standards and Accessibility – New Development Proposals. Furthermore, consideration must also be had to the Auchterarder Development Framework and the Auchterarder

‘settlement description’ set out within the LDP2, which identifies the need for improved access to the A9 to the North of the Settlement.

- 55 Having regard to the National Transport Strategy 2020, the Auchterarder Development Framework and the LDP2 there is a general policy presumption in favour of the development of a new grade separated junction at Shinafoot. However, when considering the proposal in detail against the requirements of the outline planning permission, including the Section 75 Legal Agreement, the development does not deliver the full package of roads improvements required and as such would result in adverse road safety, pedestrian movement and potential air quality implications. As the revised junction proposal fails to provide a southbound on-slip and has not been proposed as a partial delivery of the required traffic obligations by the Section 75 agreement. It is therefore unacceptable in planning terms and should be refused on these grounds.

Design and Layout

- 56 The design and layout of works essentially reflects the physical and engineering requirements associated to the improvements proposed, with infrastructure details consistent with industry standards. In physical terms, the most significant visual change will arise as a result of the earthworks necessary to form the slip road and the related cutting through the existing embankment.
- 57 A Landscape and Visual Impact assessment supports the application and concludes that although earthworks, cut slopes, embankments and the associated introduction of swales and water attenuation features are noted landform changes they are similar to those within the existing road corridor and therefore not out of place. Overall, wider landscape character and form would remain largely unchanged, with any built aspects having limited influence in a wider context. In terms of the location alone, any landscape impacts are not considered unacceptable when considered in a context that a new junction at this location has been proposed and accepted by the Council for some time. However, as noted above the proposed design and layout do not deliver the full roads improvements that is legally required, and therefore do not meet the expectation of the Planning Authority or the wider community. In addition, as discussed below, the single slip design presents offsite impacts in terms of traffic movements which on preliminary investigation have not been mitigated. Therefore, on balance the design and layout of the development are unacceptable in planning terms.

Landscape

- 58 Safeguarding and enhancing landscape character and green infrastructure is required to be considered via LDP2 Policies 1 and 39. In this instance, the proposed utilitarian design is largely set via the engineering requirements, thus some landscape and visual impact is inevitable. Furthermore, development of this type and nature has been intended at this location for some time, having formed part of the Auchterarder Development Framework intentions and being agreed through a previous Section 75 agreement and outline planning permission. However, and notwithstanding these material considerations, it is

especially important to ensure robust landscaping and associated green infrastructure provides mitigation from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. A Landscape Visual Impact Assessment (LVIA) was requested, along with a fully detailed structural landscape plan.

- 59 The Council applies the principles of the Scottish Government Policy on Control of Woodland Removal, which presumes in favour of protecting woodland resources. However, where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be sought. The submitted Ecological Impact Report states that approximately 3.3ha of immature / semi-mature mixed plantation woodland will be lost to allow the development to proceed. This without mitigation would see adverse effects. The application proposes 1.7ha of planting within the site boundary, as set out in landscape masterplan drawing reference 21/01968/06. However, this leaves a shortfall of c.1.6 ha of woodland which would be lost. The Council's Supplementary Guidance: Planning for Nature and Wildlife provides that compensatory planting must be at least compatible to existing trees and woodland. Given that the applicant advises that they cannot achieve off-site planting within other land they control, (and no other private agreement has been explored), mitigation has been offered via a lump sum payment of £24,000, to be used by the Council for biodiversity mitigation offsite. The payment is sought to be made as a one off under Section 69 of the Local Government (Scotland) Act 1973. The Planning for Nature Guidance doesn't reference directly the use of Section 69 Agreements, but rather advises that where woodland loss is unavoidable, and mitigation is required, the Council will follow the Scottish Government's Policy on the Control of Woodland Removal (PCWR). It is at the discretion of the Council whether to accept a Section 69 agreement and the Planning Authority is not aware of this option having been considered before. The Scottish Government's policy on control of woodland removal: implementation guidance, February 2019 under the section on Guiding Principles paragraph 4 states: "Planning conditions and agreements are used to mitigate the environmental impacts arising from development and Scottish Forestry will also encourage their application to development-related woodland removal". Mitigation measures must be fully explained in the EIA Report and agreed with Scottish Forestry. They should not be left to post-consent agreements, but instead conditioned within the planning approval.
- 60 Concern is raised by the Planning Authority that this type of offer may set a precedent for future applications. Furthermore, as discussed above this type of agreement does not align with the PCWR Policy nor the Council's Supplementary Guidance on this matter. The onus should always be on the developer to avoid, mitigate and compensate for any harmful impacts (in that order). For the greatest certainty, relevance and enforceability the best option is to replace woodland on land the applicant controls ideally close to the woodland that will be lost. Whilst steps have been taken as far as practical to minimise the loss of woodland, very limited details have been submitted as to whether alternative offsite solutions near to the development have been considered. The Planning Authority does not consider the Financial Offset Mitigation offer reasonable in the absence of further information or clarifying

alternatives considered. In addition, the value sum offered has not been fully costed in terms of labour and any ongoing maintenance required by the Council.

Residential Amenity

- 61 Matters pertaining to Noise, Dust, Air Quality and Vibration which would arise both during construction and once the new junction is open are considered by Policies 56 and 57 of the LDP2. The submitted Air Quality Impact Assessment Report and Noise and Vibration Impact Assessment have been reviewed by Environmental Health Officers. Those properties most impacted by the development are those adjoining or accessing directly off the B8062 Shinafoot Road, including a caravan park directly downstream of the Ruthven Water Bridge. There are also properties located in direct proximity to the north-west and south-east of Shinafoot Road as well as an existing caravan park.
- 62 Environmental Health have raised no objections or concerns in relation to impacts on residential amenity, subject to recommended conditions. Notwithstanding the conclusions from EH officers Transport Planning have raised concerns that the proposal development in comparison with the two-slip junction design agreed within the Section 75 will result in additional traffic movements within Auchterarder Township. It is anticipated that this will have corresponding impacts on air quality, though any actual impacts have not been modelled.

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. In this case public objections have raised concerns over potential impacts on traffic and road safety as a result of the development.
- 64 Matters relating to the Trunk Road Network have been considered by Transport Scotland and no objection is raised, subject to recommended conditions.
- 65 In respect of any impacts to the local road network, significant concerns have been raised by the Council's Transportation and Development team. Specifically, these impacts relate to the design of the new junction which, as noted, seeks to incorporate only a single slip design solution, thereby omitting the southbound on-slip from the previously secured design. In order to consider the impacts of the development proposed against the full road improvements required by the Section 75 legal agreement, officers have sought to model vehicle movements between a single slip, proposed, against a second option of a two slip, grade separated diverge & merge junction, (the design previously secured). The modelling for the single slip design shows an increase to both journey times, for vehicles traveling from central Auchterarder south bound on the A9, and to the number of vehicle movements through Auchterarder. Modelling shows traffic increases as follows:
- Orchil Road AM +140 vehicles (up 36%), PM + 91 vehicles (up 22%).

- Hunter Street AM +30 vehicles (up 12.8%), PM +17 vehicles (up 8%)
 - A824 (west of) junction with Hunter Street AM +117 (up 15%) vehicles, PM +83 (up 11%) vehicles.
 - A824 (east of) junction with Hunter Street AM +47 (up 7%) vehicles, PM +51 (up 8%) vehicles.
- 66 A high-level review of the model data shows that westbound traffic movements through Auchterarder increase significantly. The High Street in the vicinity of the school sees an increase of 1,040 vehicles during the day (7am – 7pm) a 28.5% increase in daily traffic flows. Within this, daily HGV movements increase westbound by 74 vehicles, a 68.5% increase. This is mirrored further west at Townhead (in the vicinity of Orchil Road) where an increase of 1,050 vehicles occurs, a 33.9% increase in daily traffic flows. Within this, HGV daily movements increase westbound by 73 vehicles, an 80.2% increase. While all eastbound traffic movements remain static (all traffic less than 0.01% increase, HGV less than 1.3% increase).
- 67 Based on the modelled outputs, the Transportation & Development team has concluded that in isolation a single slip design has a determinantal impact to the local road network within Auchterarder when compared to the full set of roads improvements previously secured. Having discussed the initial consultation response with the applicants, a review of the submitted application was undertaken. Subsequently a further technical note was produced by way of addendum. This additional information was submitted to the Council in September 2022 and included several recommended infrastructure improvements to support the application and redress concerns raised. The additional recommendations included, vehicle signage measures, a 20mph zone extension, restricting Hunter Street to one-way traffic and a traffic controlled pedestrian crossing in the vicinity of the Community School. The applicant has offered £100,000 to fund delivery of this infrastructure by Perth and Kinross Council. However, having reviewed these mitigation offerings, transportation officers have confirmed the recommendations lack detailed costings, design, testing and crucially no consultation with key stakeholders or the community. Whilst officers have not been able to wholly assess the validity of the mitigation offering, on preliminary assessment they have advised that they do not consider these will be anywhere near adequate to offset the absence of the southbound on slip.
- 68 In conclusion, the development proposed will have a net determinant to the local road network within Auchterarder when compared with the full road's improvements secured via the Section 75 agreement. The identified increases in traffic generation are considered to impact road safety, pedestrian movement and may also impact air quality. As such the development is considered detrimental to Auchterarder's sense of place, health & wellbeing, and may impact other active sustainable travel methods. Thus, the proposal overall is contrary to the National Roads Development Guide, the National Transport Strategy and Policy 60B of the LDP2 (2019).

Drainage and Flooding

- 69 Policies 52 and 53 of the LDP2, require development to appropriately consider flooding and drainage. The application has been reviewed by both SEPA and the Council's Structures and Flooding Team and neither raise objections.
- 70 In terms of flood impacts resulting from the replacement bridge over the Ruthven Water it is confirmed that the cross-sectional area is slightly larger than the existing structure, at 7.6m wide verses 7 m. Consequently, any flood risk upstream is slightly reduced from any existing impacts. It should be noted that the nearest property which could be at risk, being part of an existing caravan park, is located on the downstream side of the bridge (below the confluence of the Ruthven Water and Pairney Burn) is already at severe flood risk, as identified on SEPA flood risk maps. This risk would not be increased by this development.
- 71 Otherwise, the majority of the slip road is out with any area of flood risk and cuts through higher ground. Where the slip road meets the B8062, small sections of raised embankment are proposed, partly within the flood extents of the Pairney Burn, as shown on the SEPA flood maps. However, SEPA have confirmed that any loss of storage here will be minimal and negligible to the overall flood risk in the area. Furthermore, there will be no increase in risk downstream towards any buildings/caravan park, as flows are controlled by an existing culvert under the A9. Overall, all drainage is to be controlled from the slip road via road runoff and interception via SUDS in accordance with best practice design.

Natural Heritage and Biodiversity

- 72 LDP2 Policy 41 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Masterplan includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Supplementary Guidance: Planning for Nature Development Management and Wildlife. As noted in paragraph 59 mitigation in the form of financial remuneration is offered.
- 73 The Council's biodiversity officer has reviewed the development proposal and raised no specific objections to the works, subject to conditions seeking the adoption of proposed landscaping, the provision of an agreed Construction Environmental Management Plan and the appointment of an ecological clerk of works to oversee development implementation. However, significant concern is raised with respect to the proposed financial agreement to offset the lack of physical mitigation proposed and the potential for a precedent to be set. Commentary is provided that whilst the financial offer will likely be sufficient to accommodate planting of comparable scale to that lost, no financial account has been made in respect of labour or future maintenance costs. As such the value offer is insufficient. Whilst the Ecological Impact Assessment Report, dated 24 June 2022, sufficiently confirms any ecological impacts from this development are acceptable, the proposal overall fails to accord with policy 41

of the LDP2 on account of the loss of woodland and adequate mitigation planting being offered.

Developer Contributions

- 74 The junction improvement works are identified as a requirement for “Auchterarder Development Framework” sites, included within Section 75 Agreements agreed as part of Outline Permission 08/01133/IPM. The works, defined as “the Shinafoot Junction Improvement Works” in these Agreements was previously agreed with design and specifications which differ to the proposal submitted. If the proposals are deemed acceptable a modification to the Section 75 Agreements will be required. As the agreed junction improvements are part of a previous decision on the outline planning permission further contributions could not be added now. However, and notwithstanding this matter the junction improvements do not trigger any contributions under the Developer Contributions and Affordable Housing Supplementary Guidance.
- 75 Whilst no specific developer contributions are required, the applicant has sought to address shortfalls in mitigation both in terms of woodland loss and as a result of impacts to the local road network, specifically increases in traffic movements through Auchterarder. A payment of £24,000 is proposed as financial offset for woodland loss, whilst a payment of £100,000 is offered to carry out road's improvements within Auchterarder. Both payments are to be single lump sum payments under Section 69 of the Local Government (Scotland) Act 1973. Legal Services have agreed that this can be secured via a legal agreement, and it is at the discretion of the Council whether to accept these offers. The Planning Authority does not consider the financial offers are acceptable.

Economic Impact

- 76 In the short term, construction will create jobs with scope for local employment but in the operational period local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of enabling new development whilst promoting investment within the Perth and Kinross area. This development proposal should be viewed as seeking to deliver traffic obligations required to enable further housing development within Auchterarder and as such there are longer term economic opportunities. However, the development raises concerns in terms of road safety and in terms of limited overall biodiversity enhancement opportunities in proximity to the site.

VARIATION OF APPLICATION UNDER SECTION 32A

- 77 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 incorporated changes to the submitted bridge design over the Ruthven Water which comprised minor alterations to the cross-section design of the structure, which do not significantly alter its wider appearance or location.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 78 The development in isolation is not required to be subject to any Section 75 legal agreement. However, it must be seen in association to the wider proposal to implement transport obligations agreed via a Section 75 legal agreement associated to a significant mixed-use development (reference Planning Permission 08/01133/OUT). In this regard the works proposed within this application do not comply in full of the transport obligations set out in that Section 75.
- 79 The development is recommended for refusal due to impacts on the local road network. As such a comprehensive assessment relative to the proposed financial mitigation offsets has not been undertaken. However, Legal Services have confirmed the proposed payments under Section 69 of the Local Government (Scotland) Act 1973 to secure single lump sum payments is at the discretion of the Council whether to accept. This type of agreement has not been accepted in the past and does not accord with the LDP2 or Scottish Government Policy.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 80 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 not comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 81 Accordingly, the proposal is recommended for refusal.

RECOMMENDATION

Reasons for Refusal Recommendation

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.

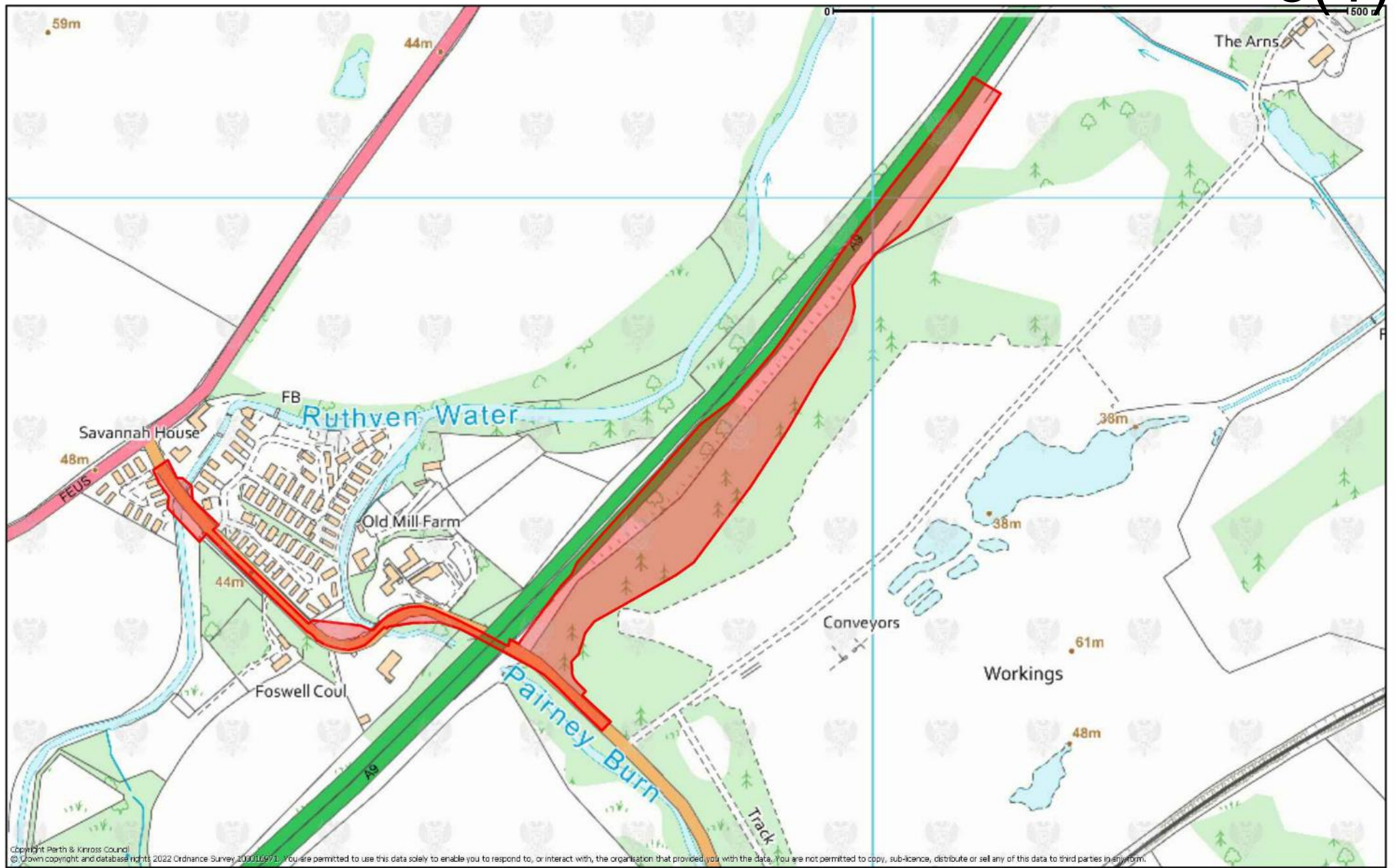
Background Papers: 6 letters of representation
Contact Officer: Jamie Torrance
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING AND DEVELOPMENT & CHIEF PLANNING OFFICER

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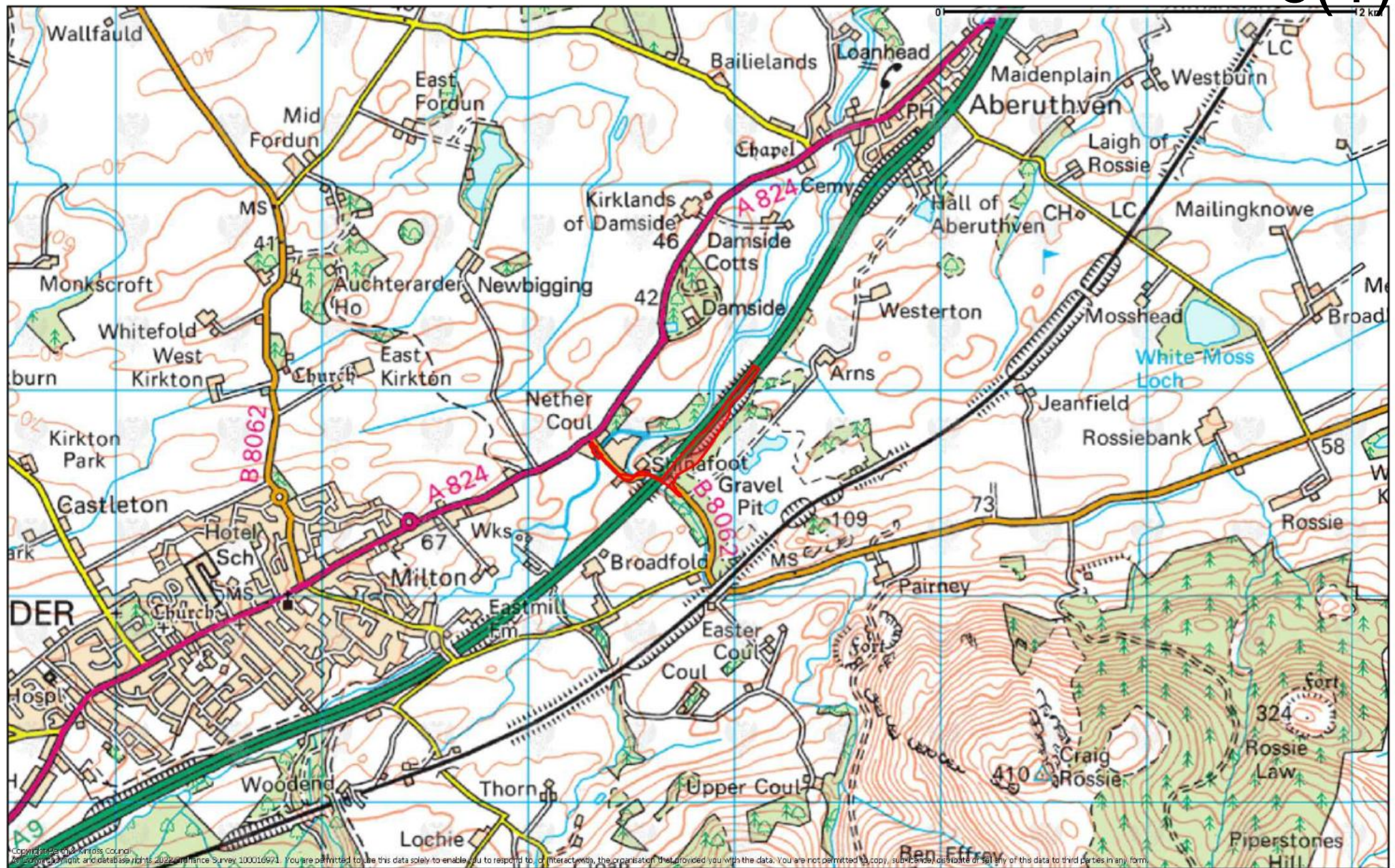
Planning and Placemaking
Committee - 23 November
2022
Scale 1:5000



21/01968/FLM

Formation of A9 slip road and junction including road widening, landscaping, drainage works and erection of a replacement bridge at Land At A9(T) And Shinafoot Road (B8062) Auchterarder





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Planning and Placemaking
Committee - 23 November
2022

Scale 1:25000



21/01968/FLM

Formation of A9 slip road and junction including road widening, landscaping, drainage works and erection of a replacement bridge at Land At A9(T) And Shinafoot Road (B8062) Auchterarder



Perth and Kinross Council
Planning and Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
(Report No. 22/285)

PROPOSAL: Formation of road widening and drainage works associated with 21/01968/FLM (works to A9 trunk road)

LOCATION: Land at A9(T) and Shinafoot Road (B8062), Auchterarder

Ref. No: [22/00546/FLL](#)
Ward No: P7 – Strathallan

Summary

This report recommends conditional approval of the application, which proposes road widening and drainage works which, although considered on their own merits, are effectively associated with Planning Application 21/01968/FLM, which is presented elsewhere on the agenda for this meeting of the Planning & Placemaking Committee. The proposals are 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.0.82 hectares (ha) in area, situated at Shinafoot, located 1.2 kilometres (km) north-east of Auchterarder. The wider landscape type is 'broad valley lowlands'. The proposal is related to a wider roadworks scheme, including a proposed new southbound off slip road and other related works as set out in planning application 21/01968/FLM and planning permission 22/00724/FLL. These overall works extend to around 4.4ha including 3.3ha of mainly semi natural / mixed woodland adjacent to the existing A9 Trunk Road (A9). The Ochils Special Landscape Area boundary is located approximately 0.5 kilometres (km) east and the Ochil Range Site of Special Scientific Interest (SSSI) 1km to the south-east.
- 2 The development proposed comprises drainage works and road widening along the B8062 Shinafoot Road between Ruthven Water Bridge and the A9 Trunk Road, forming part of the aforementioned wider roadworks scheme being reported to Committee elsewhere on this agenda. The requirement for these works became apparent during the processing of application 21/01968/FLM and could not be accommodated as part of that submission. To address this, rather than withdraw and expand the proposals into a single 'Major' application, the applicant has chosen to incorporate them through this further 'Local' application. As noted, application 21/01968/FLM is reported elsewhere on this Agenda and sets out in more detail the full extent of the roads works scheme proposed.

Environmental Impact Assessment

- 3 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.
- 4 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.
- 5 An EIA screening has previously been undertaken by the Planning Authority (reference 21/00206/SCRN) in connection with major application 21/01968/FLM, 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 flooding, noise, ecology, traffic and transport were required and submitted in support of this application as well as the major application.

Pre Application Consultation

- 6 The proposed development is not a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to scale and size of the application area. The applicant was therefore not required to undertake formal pre-application consultation with the local community. However, formal public consultation has been undertaken in respect of the overall roadworks scheme, specifically related to application 21/01968/FLM.

NATIONAL POLICY AND GUIDANCE

- 7 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

- 8 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)

- 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
- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 270 - 291

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 66 Trunk Road planning applications best practise guidance.
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 1/2011/: Planning and Noise
- PAN 3/2010 Community Engagement

National Roads Development Guide 2014

12 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

13 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

14 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 plan's 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.”

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

- Policy 2 Shaping Better Quality Places
- Policy 6 Developer Contributions
- Policy 8 Green Networks
- Policy 10 Connecting People, Place and Markets

Perth and Kinross Local Development Plan 2

- 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;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 23 Delivery of Development Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- 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 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 18 The relevant Supplementary Guidance are,

- Supplementary Guidance: Air Quality, February 2020
- Supplementary Guidance: Developer Contributions and Affordable Housing, April 2020
- Supplementary Guidance: Flood Risk and Flood Risk Assessments, March 2021

- Supplementary Guidance: Forest & Woodland Strategy, February 2020
- Supplementary Guidance: Landscape (February 2020)
- Supplementary Guidance: Placemaking (February 2020)
- Supplementary Guidance: Planning for Nature – Development Management and Wildlife Guide, April 2022

Auchterarder Expansion Townhead & North East Development Framework

- 19 A need for improved access to the A9 trunk road north and south of the settlement is identified in the Local Development Plan 2, forming part of the Auchterarder Settlement summary description. As part of this development of a new trunk road junction at Loaninghead south of Auchterarder is complete. However, a trunk road junction north of the settlement is also needed as the planned expansion of the settlement continues beyond the identified threshold, to address safety issues. A specific location for the new junction was not identified on the Local Development Plan proposals map, however the Plan highlights that Shinafoot is planned.
- 20 Within the Development Framework, Trunk Road junction improvements at Shinafoot are identified as a requirement for full development of the Auchterarder Development Framework sites. The detail as to what works are required and why is set out and can be summarised as follows:
 - The development framework reports Transport Scotland's requirements for the junction improvements as set out at that time. The improvements proposed to address safety issues and not operational capacity restrictions. Transport Scotland describe the type and location of the required trunk road junction at Shinafoot, "*...the new Interchange at Shinafoot would include the provision of southbound on and off slips and would utilise the existing Shinafoot Road underpass below the A9 to accommodate the grade separated crossing of the A9 from the southbound carriageway.*"
 - The Development Framework also notes that Transport Scotland suggest staging of the trunk road improvements as development progresses.
 - A modest development of 50 residential units would be acceptable without junction improvements.
 - The Loaninghead improvement (permitting the closure of the central reserve gap at Auchterarder South) should be implemented first, followed by Shinafoot (permitting the closure of the gap at Aberuthven)
 - The full Masterplan development at Auchterarder would require the provision of both Loaninghead and Shinafoot Junction Improvements.
 - Detailed assessment would be required to establish an acceptable intervening level of development that could be accommodated with the Loaninghead Improvement
 - The Development Framework included the figure of up to 350 dwellings could be accommodated with the Loaninghead junction improvement.

Site History of Relevance

- 21 [08/01133/IPM](#) Planning Permission was granted on 31 October 2013 for Residential and Class 4 (Business), Class 5 (General Industry) & Class 6

(storage and distribution) development (in principle) on Land at Castlemains and Kirkton, Auchterarder.

- 22 [21/00206/SCRN](#) A Screening Opinion was issued by the Planning Authority for the construction of a new southbound diverge slip road on the A9 connecting Shinafoot Road (B 8602) with a simple priority junction including landscaping, drainage and associated works on 1 April 2021.
- 23 [21/00008/PAN](#) A Proposal of Application Notice related to the formation of an A9 slip road and junction with the B8062 and other road infrastructure including landscaping, drainage and associated works, was submitted and PKC, with a response issued on 1 June 2021.
- 24 [21/01968/FLM](#) A 'Major' application reported elsewhere on the Agenda of this Committee proposes the formation of an A9 slip road and junction including road widening, landscaping, drainage works as well as the erection of a replacement bridge.
- 25 [22/00724/FLL](#) Planning Permission was granted on 13 July 2022 for the formation of a layby and associated works associated with 21/01968/FLM (works to A9 trunk road) on Land at A9(T) and Shinafoot Road (B8062) Auchterarder.

CONSULTATIONS

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

External

- 27 **Transport Scotland: (TS)** No objection or further commentary provided.
- 28 **Auchterarder and District Community Council (ADCC):** No objection. Comment is made raising concerns that the development does not accord with a Section 75 relative to residential development previously approved within Auchterarder. Further concerns are raised relative to road safety and traffic flow management.
- 29 **Scottish Environment Protection Agency (SEPA):** A single response has been provided in respect of this and the linked 'Major' application (Ref: 21/01968/FLM). No objection is raised to either, subject to a condition requiring the narrowing of the upstream face of the Ruthven Water replacement road bridge by 1.15m, in accordance with the Flood Risk Assessment (FRA) submitted. Also confirm that a CAR Licence is required for all proposed works.
- 30 **Scottish Water (SW):** No comments.

Internal

- 31 **Structures and Flooding (S&F):** No comments.
- 32 **Biodiversity/Tree Officer:** No comments.

- 33 **Transportation and Development Team (TP):** No objection, owing to the scale of development proposed. Informatives are noted relative to the need to obtain Road Authority Consent and approvals to carry out works within the public road.

REPRESENTATIONS

- 34 7 objections have been received. The main issues raised are:

- Visual impacts
- Noise from construction and traffic
- Traffic and road safety Impacts
- Air pollution from construction and road traffic
- Flooding
- Failure to correctly identify property boundaries

- 35 With the exception of the final matter relating to property boundaries (which is not a material planning consideration), these issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

36

Screening Opinion	No EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal – Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Ecological Impact Report • Landscape and Visual Assessment • Planning Statements 1 and 2, Including Design Report – A9 Shinafoot Junction (February 2020) • Drainage Impact Assessment • Noise and Vibration Impact Assessment • Air Quality Impact Assessment Report • Flood Risk Assessment

APPRAISAL

- 37 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.

Principle

- 38 The location is a peripheral rural area outside Auchterarder and adjacent/close to the A9, LDP2 policy considerations in assessing its suitability in principle are Policies 1A and 1B: Placemaking; Policy 23: Delivery of Development Sites; Policies 39-41: Landscape, Trees and Woodland and Biodiversity; Policy 53: Water Environment and Drainage; and Policy 60B: Transport Standards and Accessibility – New Development Proposals. Furthermore, and a significant material consideration in the assessment of this application is the previous approval of outline planning permission 08/01133/OUT and the Section 75 Legal Agreement requirement to secure a southbound on and off slip roads from the A9 Trunk Road at this location, thereby enabling further development associated to that planning permission within Auchterarder.
- 39 Matters relating to the existing Section 75 agreement are not discussed in any detail within this report as they will be considered in the assessment of application 21/01968/FLM. This reflects that this application proposes limited works in the wider scheme and is being considered concurrently to the ‘Major’ application. The principle of support for this application is in no way connected with any recommendation related to ‘Major’ application (21/01968/FLM) which is presented elsewhere on the Agenda for this Committee (23 November 2022). This application must be considered in isolation to the “Major” application as the extent of works and any impacts are specific to a small area of road widening and drainage works only. Furthermore, it should be noted that this application is only ever likely to be implemented if that larger scheme was undertaken.

Design and Layout

- 40 The design and layout of works essentially reflects the physical and engineering requirements associated to the road widening and associated drainage works proposed, with infrastructure details consistent with industry standards. In physical terms, it is anticipated that the work set out in this application would only be undertaken if application 21/01968/FLM was approved, with both proposals implemented as a single project.
- 41 A Landscape and Visual Impact assessment supports the application and concludes that although earthworks, cut slopes, embankments and the associated introduction of swales and water attenuation features are noted landform changes they are similar to those within the existing road corridor and therefore not out of place. Overall, wider landscape character and would remain largely unchanged with any built aspects having limited influence in a wider context. As such landscape impacts are not considered unacceptable. In the context of this application the works predominantly relate to those undertaken on the B8062 Shinafoot Road which are of significantly less scale than those set out in 21/01968/FLM.

Landscape

- 42 Safeguarding and enhancing landscape character and green infrastructure is required to be considered via LDP2 Policies 1 and 33. In this instance, as said above, the proposed utilitarian design is largely set, thus some landscape and visual impact is inevitable. A full landscape assessment will be discussed within

the report associated to application 21/01968/FLM and this is not replicated in detail within this report. As noted above, a landscape and visual impact assessment has been carried out which concludes that any impacts are considered negligible. Therefore, subject to conditions requiring the provision of a Construction Environmental Management Plan (CEMP) and the adoption of mitigation set out within the Ecological Impact Assessment Report the impacts to landscape are considered acceptable (Conditions 8 and 9).

- 43 Subject to landscape conditions the development is considered to accord with policies 39 and 40 of the LDP2.

Residential Amenity

- 44 Matters pertaining to Noise, Dust, Air Quality and Vibration which would arise both during construction and once the new junction is open are considered by policies 56 and 57 of the LDP2. The submitted Air Quality Impact Assessment Report and Noise and Vibration Assessment associated with the major application have been reviewed by EH. Those properties most impacted by the proposed development are those adjoining or accessing directly off the B8062 Shinafoot Road, including a caravan park directly downstream of the Ruthven Water Bridge. There are also properties located in direct proximity to the north-west and south-east of Shinafoot Road as well as an existing caravan park.
- 45 Environmental Health have raised no objections or concerns in relation to impacts on residential amenity, subject to their recommended conditions. (Conditions 3-7).

Roads and Access

- 46 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. In this case public objections have raised concerns over potential impacts on traffic and road safety as a result of the development.
- 47 Whilst some of the representations received reflect road safety and traffic volume impacts related to the wider roadworks scheme, other concerns are raised by immediate local residents that the widening of the road will bring noise and dust impacts from traffic closer to their homes. Whilst such impacts have the potential to cause increased impact, they are considered relatively minor and can be addressed through conditions. Any ongoing impacts from the subsequent use of the new local road have been considered in the aforementioned report on the major application. By way of summary the LDP2 sets out a need for improved access to the A9 (within the Auchterarder settlement summary), and the principle of new junctions north and south of the town are set out as part of the proposals for Auchterarder. A trunk road junction north of Auchterarder is also needed as the planned expansion of the settlement continues, to address safety issues. A specific location for the new junction is not identified on the Local Development Plan proposals map, however LDP2 highlights that Shinafoot is its planned location. In this case the principle of road widening and improved connection with the A9 at this location utilising Shinafoot Road has largely been agreed and as such any localised

impacts, subject to conditions to avoid or mitigate them, are therefore considered acceptable.

- 48 Subject to compliance with conditions 9 (Construction Environmental Management Plan), 10 (Construction Traffic Management Plan) and Condition 11 (requiring a final design review, to ensure works are undertaken in accordance with the approved details) the proposal is considered in accordance with Policy 60B of LDP2.

Drainage and Flooding

- 49 Policies 52 and 53 of the LDP2, require development to appropriately consider flooding and drainage. In this regard the application has been reviewed by both SEPA and the Council's Structures and Flooding Team and neither raise objections.
- 50 Works are proposed to proceed in accordance with best practise and recommended Condition 12 will provide the opportunity to confirm and agree the design specifications for the works.

Natural Heritage and Biodiversity

- 51 LDP2 Policy 41 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the wider Landscape Masterplan for the overall development scheme 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. Given the scale and extent of the proposed road widening by this application no specific biodiversity or landscape matters are raised. Overall, in landscape terms, subject to conditions 7 - 9 and compliance with the action points noted in the Ecological Impact Assessment Report, dated 24 June 2022, the proposal is considered to accord with policy 41 of the LDP2.

Developer Contributions

- 52 Development contributions are not applicable to this application but have been considered in respect of the application 21/01968/FLM.

Economic Impact

- 53 In the short term, construction will create jobs with scope for local employment, in the operational period local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of enabling new development whilst promoting investment within the Perth and Kinross area. This development proposal should be viewed as part of delivering traffic obligations required to enable further housing development within Auchterarder and as such there are considered to be longer term economic opportunities.

VARIATION OF APPLICATION UNDER SECTION 32A

- 54 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 minor amendments to the submitted landscape design.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 55 The development in isolation is not required to be subject to any legal agreements but is seeking to partially implement transport obligations agreed via a previous Section 75 legal agreement (reference Planning Permission 08/01133/OUT). This is discussed in more detail as part of planning application report 21/01968/FLM.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 56 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.
- 57 Accordingly, the proposal is recommended for approval subject to the following conditions.

A 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 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 CTMS 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.

B 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.

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. 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
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. 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.
12. An application for Building Warrant may be required.
13. 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.

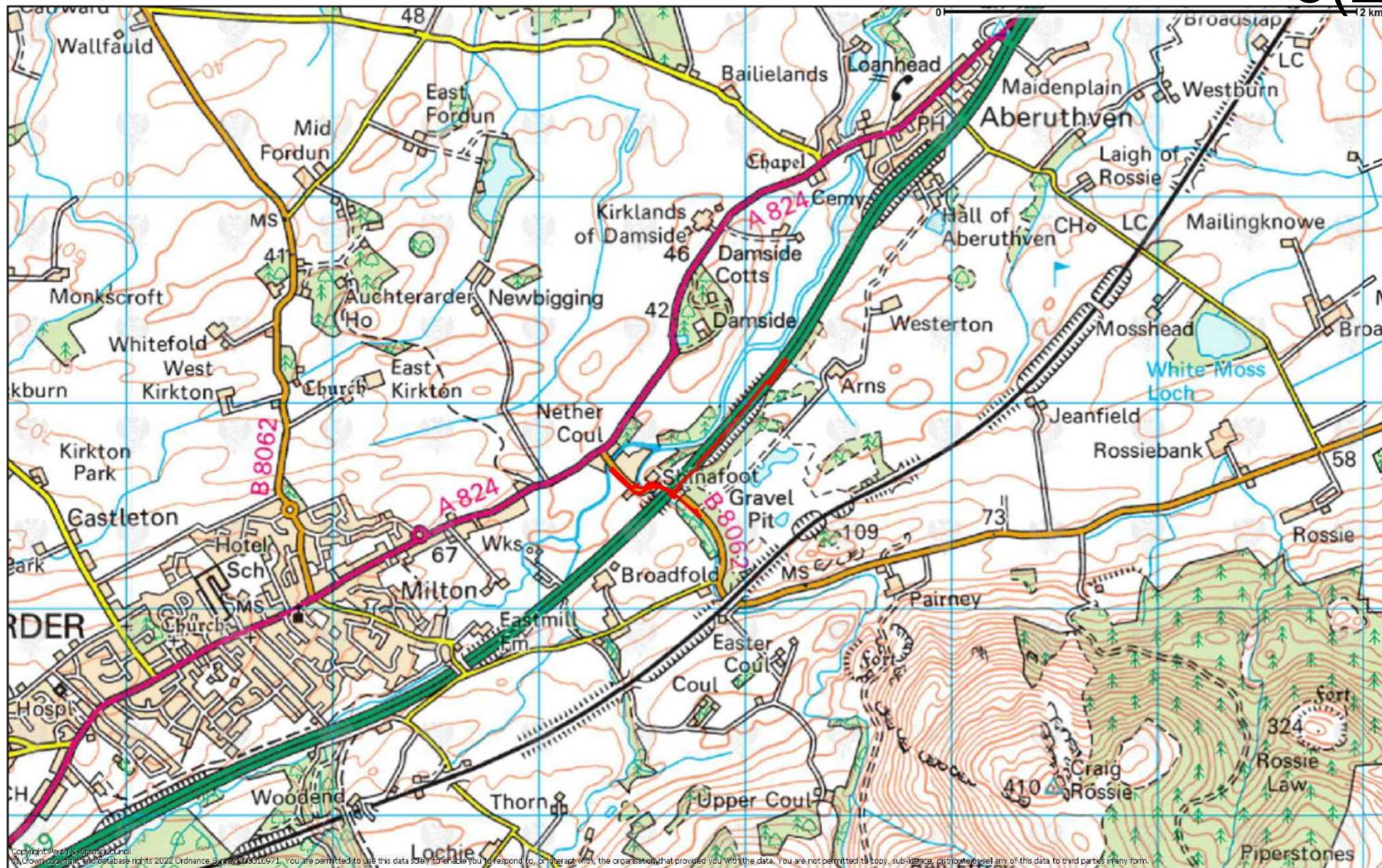
Background Papers: 7 letters of representation
Contact Officer: Jamie Torrance
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking
Committee - 23 November
2022

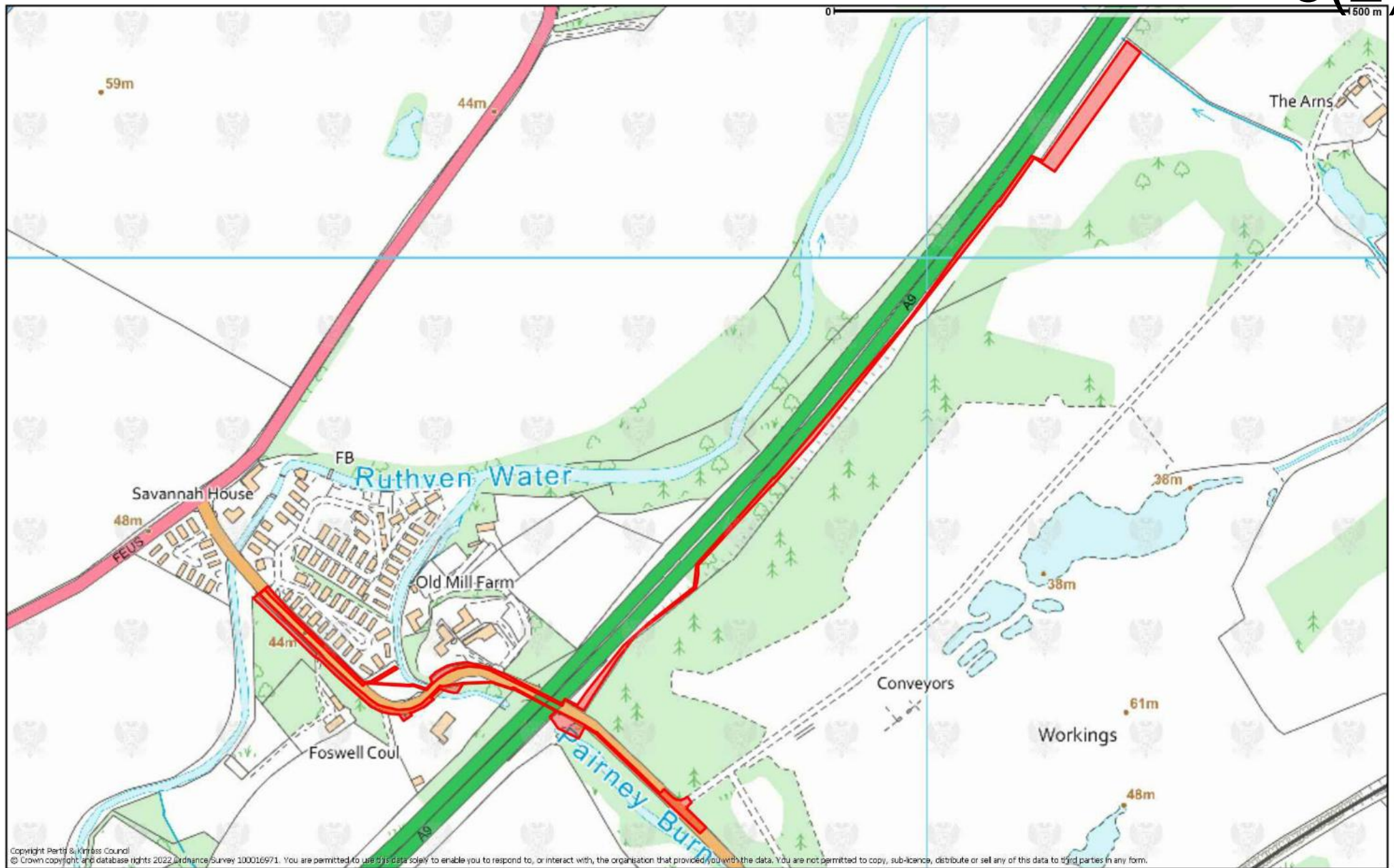
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22/00546/FLL

Formation of road widening and drainage works associated with 21/01968/FLM (works to A9 trunk road) at Land At A9(T) And Shinafoot Road (B8062) Auchterarder





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Planning and Placemaking
 Committee - 23 November
 2022
 Scale 1:5000



22/00546/FLL

Formation of road widening and drainage works associated with 21/01968/FLM
 (works to A9 trunk road) Land At A9(T) And Shinafoot Road (B8062) Auchterarder



Perth and Kinross Council
 Planning and Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
(Report 22/286)

PROPOSAL:	Erection of 3 dwellinghouses, 3 garages and associated works
LOCATION:	Land 30 metres north east of Rantrie Knowe, Drum

Ref. No: [21/01755/FLL](#)

Ward No: P8 – Kinross-shire

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 three dwellinghouses each with detached garages and other associated works, including a SUDS pond, within Drum, Crook of Devon. The application site is approximately 0.3ha in area and extends to the south, towards the B9097, to accommodate drainage infrastructure.
- 2 The site is considered an 'infill' and is bound by: the A977 public road to the north-west; a line of mature trees to the north-east, with residential development beyond; to the south-west by Rantrie Knowe, a dwellinghouse owned by the applicant; and to the south-east by open fields where the drainage system would be located.
- 3 The existing access onto the A977 which serves Rantrie Knowe would be used. Plot 1 is proposed to the immediate east of this access and would extend to 773sqm. A new access track and turning head is proposed to the south of Plot 1 and would serve Plot 2 (875sqm) and Plot 3 (817sqm) in the eastern part of the site.
- 4 Plot 1 is proposed to have a 3-bedroom dwellinghouse with a rectangular footprint and see accommodation over two levels, with the upper floors served by dormer windows on both north and south elevations. It is proposed to be finished in smooth white render, cedar weatherboarding and a natural slate roof.
- 5 Plot 2 is of a similar design/footprint to Plot 1 and with 3 bedrooms, however dormer windows are only proposed on the south-west elevation. Larger window openings are proposed on the gables.

- 6 Plot 3 is the largest, containing 4 bedrooms, and would have pitched roof projections on the north-west and south-east elevations. All houses are proposed to be c.8 metres in height.
- 7 There is a considerable amount of history associated with this site. A planning permission in principle was originally granted in April 2008 and this consent was renewed in May 2011 under application [11/00461/IPL](#). In January 2012 there was a serious accident on the A977 adjacent to the site where approximately 20,000 litres of aviation fuel was released from a tanker and caused contamination on the site, which was cleared up under direction from SEPA. A further renewal of the consent was then approved under application [14/00732/IPL](#). Following this an Approval of Matters application for three dwellings, with exactly the same layout as the application under consideration here, was approved in June 2017 ([17/00606/AML](#)) but this has since expired.

NATIONAL POLICY AND GUIDANCE

- 8 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

- 9 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)

- 10 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.
- 11 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
 - Enabling Delivery of New Homes: paragraphs 109-134
 - Valuing the Natural Environment: paragraphs 193-218

- Managing Flood Risk and Drainage: paragraphs 254-268

Planning Advice Notes

- 12 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
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

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.

National Roads Development Guide 2014

- 15 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

- 16 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

- 17 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

- 18 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.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 17: Residential Areas
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 56: Noise Pollution
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

Placemaking Supplementary Guidance 2020

SITE HISTORY

- 20 [07/02361/OUT](#) was approved on 5 April 2008 for the erection of 3 dwellinghouses with double garages (in outline)
- 21 [11/00461/IPL](#) was approved on 19 May 2011 for the renewal of planning consent 07/02361/OUT for the erection of 3 dwellinghouses with double garages (in principle)

- 22 [14/00732/IPL](#) was approved on 17 July 2014 for the renewal of permission (11/00461/IPL) erection of three dwellinghouses with double garages (in principle)
- 23 [17/00606/AML](#) was approved on 13 June 2017 for the erection of three dwellinghouses and garages (matters specified by conditions 14/00732/IPL)
- 24 [20/00706/AML](#) Renewal of permission 17/00606/AML (Erection of 3 dwellinghouses and garages) - Withdrawn on 25 August 2020
- 25 [21/01164/FLL](#) Full Planning Permission application for the erection of 3 dwellinghouses, 3 garages and associated works - Withdrawn on 27 August 2020

CONSULTATIONS

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

External

Scottish Water

- 27 No objection, advise that a separate application is required to connect to their assets.

Fossway And District Community Council

- 28 Object, due to flood risk both on site and the impact development may have on flood risk downstream. Concerns have also been expressed regarding contamination of site from aviation fuel spill.

Internal

Transport Planning

- 29 No objection. Access and parking arrangements considered to be acceptable and public road capable of accommodating increased traffic associated with development.

Development Contributions Officer

- 30 No contribution required as there are no capacity constraints at Fossway Primary School.

Biodiversity/Tree Officer

- 31 No comments.

Environmental Health (Contaminated Land)

- 32 No objection. Advise the site is fit for residential development following clean-up of aviation fuel.

Environmental Health (Noise Odour)

- 33 No objection. Consider the Noise Impact Assessment submitted in relation to road traffic noise acceptable, subject to conditional control.

Structures And Flooding

- 34 No objection. Advise the information submitted demonstrates that the proposals will have a neutral impact on flood risk and therefore are acceptable.

REPRESENTATIONS

- 35 Seven representations were received. The main issues raised are:

- Visual impact
- Flood risk and surface water drainage
- Wastewater drainage capacity
- Loss of open space
- Loss of trees
- Road safety and traffic generation
- Contamination from fuel spill
- Neighbour notification process
- Servitude rights of access/impacts on existing drainage system

- 36 These issues are addressed in the appraisal section of the report. However, servitude rights of access/impacts are not a material planning consideration.

ADDITIONAL STATEMENTS

37

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	Not Required
Report on Impact or Potential Impact	<ul style="list-style-type: none">• Flood Risk Assessment• Drainage Design and Storm Water Calculations• Tree Survey• Noise Impact Assessment for Road Traffic Noise

APPRAISAL

- 38 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 Placemaking Supplementary Guidance and the Developer Contributions and Affordable Housing Supplementary Guidance.

Principle

- 39 Crook of Devon/Drum is identified as a settlement within the Perth and Kinross Local Development Plan 2 (2019) and the 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 echo this and state that new development should complement its surroundings in terms of form, appearance, height, scale, massing, materials, finishes and colours, amongst other criteria.
- 40 There have been numerous 'in principle' and 'detailed' permissions on this site, which are material considerations, and the site is seen as a logical infill site given the residential development which surrounds.
- 41 The general principle of the residential development is therefore acceptable 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 and access is provided below.

Design and Layout

- 42 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.
- 43 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.
- 44 The character of the area is relatively uniform, with detached properties located to the west and east of the site, fronting the public road but also extending southwards. Plot sizes are relatively mixed but generally quite large and contributing to an open feel to the area.

- 45 The proposal to accommodate three detached dwellings and garages on the site is considered to be appropriate in the context of the areas character. The plot sizes and build to plot ratios are generally considered to reflect the established character and therefore the proposal is considered to comply with the Council's Placemaking Supplementary Guidance (SG) and Policies 1 and 17 of the LDP2. Furthermore, the layout and design of the dwellinghouses is identical to that which was approved in 2017. Whilst a new Local Development Plan has been published since then, the policies in terms of design and layout are broadly similar.
- 46 The proposal for one and three-quarter storey dwellings and single storey detached garages is considered appropriate in terms of scale and mass for this site. The area being characterised by a mixture of single storey and two storey dwellings. The design and scale of each dwelling is considered to be appropriate and utilises high quality materials which would respect the context.
- 47 The proposed layout and design of the houses is therefore considered to reflect the character and amenity of the area and therefore complies with the criteria outlined in policies 1A, B and 17 of the LDP2 and the associated SG.

Landscape

- 48 The previous approval on the site included a condition to ensure the provision of appropriate landscaping and boundary treatments for the site. The submission includes some reference to additional planting on the site but no details on species and density of planting has been submitted. It is considered necessary to secure details of the proposed planting and boundary treatments, as this remains an important part of the original planning approval. Accordingly, these details will be secured through conditions (Conditions 3 and 4).

Trees

- 49 Scottish Planning Policy specifies that trees which have a significant biodiversity value and make a significant contribution to landscape character and quality should be protected from adverse impacts resulting from development.
- 50 In support of this application a tree survey had been undertaken in accordance with BS:5837 Trees in relation to construction and the recommendations contained within are considered to comply with Policy 40B. The tree locations are also shown on the site plan to demonstrate the relationship of the houses to the trees.
- 51 In this case there is a slight overlap between Plot 2 and the root protection area and further mitigation will be required to facilitate the construction of the dwelling in this location and these mitigation measures are indicated within the tree survey and are considered to be acceptable. Conditions are recommended to ensure implementation of this mitigation (Conditions 6 and 7).

Residential Amenity

- 52 Policy 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

- 53 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.
- 54 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 windows on the north facing elevation of plot 2 are within 7.5m of the boundary to the north, however these are only ground floor windows and thus boundary is occupied by a number of mature trees which will provide screening. This is considered to be acceptable. There are not considered to be any overlooking concerns from the other plots.

Daylight/Overshadowing

- 55 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.
- 56 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

- 57 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.

- 58 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.

Road Traffic Noise

- 59 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission. In this instance the applicant has submitted information on noise as this was identified as an issue with previous applications on the site including a Noise Impact Assessment (NIA) to consider the impact which road traffic noise from the A977 may have on occupiers of the dwellings.
- 60 The NIA assessment states that the external noise; daytime would be 59dB (A) and for night-time would be 49 dB (A) at Plot 1, the closest proposed dwellinghouse to the road.
- 61 The NIA assessment concludes that there will be a negligible adverse effect on future residents and slight significance during the night. During the daytime the effects on future residents from road noise will be a minor adverse impact and slight /moderate significance during the day.
- 62 Environmental Health (EH) note that the applicant must however ensure a reduction of at least 19dB to meet the BS 8233:2014 internal night-time bedroom criteria of 30 dB (A). The World Health Organisation (WHO) also recommends that the outside garden areas should be no more than 55 dB (A).
- 63 Therefore, to protect residential amenity from road traffic noise EH recommend conditional control to comply with Policy 56 of the Local Development Plan 2. (Condition 8).

Flooding and Surface Water Drainage

- 64 There are surface water/ground water issues in the wider Drum area and a series of photographs have been received in letters of representation showing flooding. The proposal includes the formation of a SUDS pond to the south-east of plot 3, in order to cater for surface water flood risk. Concerns have been expressed in letters of representation that developing the site and increasing the extent of hardstanding may alter/increase downstream flood risk. The Council's Structures and Flooding Team (S&F) therefore requested that a Flood Risk Assessment (FRA) be carried out. S&F raised a number of queries following review of the letters of representation and the FRA. This sought clarity from the author of the FRA on various matters including input rainfall information and surface water modelling, amongst other issues. They also sought clarity on the design and operation of the proposed SUDS pond. There was some concern that the development will exacerbate downstream flood risk, by increasing impermeable areas. However, the provision of a suitably designed drainage

system should ensure that the development will have a neutral impact on flood risk in the local area. S&F sought clarity on the sizing of the system, to account for additional surface water that enters the site from the NW (as shown by the FRA). They also sought confirmation of the proposed 2.4l/s discharge rate, with submission of the greenfield run-off rate calculations to evidence this.

- 65 This further information has been submitted and reviewed by S&F. The agent has also provided a basic overland flow route for the post-development situation, which shows surface water being directed toward the drainage system which helped to clarify the queries raised by S&F.
- 66 The applicant's consultant clarified the approach taken within the FRA, which has been accepted by S&F and the drainage design is considered acceptable. This will ensure that the site will have at least a neutral impact on flood risk in the wider area, through the attenuation and controlled discharge of surface water from impermeable areas of the site. For the avoidance of any doubt a condition (Condition 10) is recommended to ensure the detailed finalised design of the SUDS system is submitted for approval.
- 67 It is important to note that there are known wider flooding issues in the area. However, the information submitted by the developer and their consultants demonstrates that the proposals will have a neutral impact on flood risk. The proposal is therefore considered to comply with Policy 53C of the LDP2.

Foul Drainage

- 68 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 and a condition (Condition 9) is recommended to ensure the development connects to the public drainage system. An informative is also recommended to make the developer aware of the requirement for a separate application to Scottish Water.

Contaminated Land

- 69 As mentioned above there was a serious accident where a lorry carrying aviation fuel crashed causing contamination on the site. Letters of representation have raised concern that there is a noticeable amount of Extractable Petroleum Hydrocarbons (EPH) in flood water, evidenced by an oily film. This matter has been discussed within the Council's Contaminated Land Team who have clarified that SEPA were the lead authority in the clean-up operation following the accident and have declared that the site is suitable for development and that it has been decontaminated appropriately. Investigations were undertaken at the time and a remedial scheme was designed and implemented to remove/treat the identified impacted soils and groundwater. In addition, ground water monitoring at the site was undertaken up to February 2014. This has been reviewed and the Contaminated Land Team are satisfied that the levels of hydrocarbon being recorded do not present a risk in relation to the development of the land for residential use. On that basis it is not considered necessary for a contaminated land investigation to be carried out on site.

Access and Parking

- 70 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 arrangements and parking levels are considered to be acceptable. Each dwelling is provided with a large parking and turning area together with garages. Furthermore, the existing public road network is capable of accommodating the traffic associated with the development. Transport Planning have offered no objection to the application. The proposal therefore complies with Policy 60B of the LDP2.

Developer Contributions

- 71 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.
- 72 This proposal is within the catchment of Fossoway Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no developer contributions are required.

Servitude Rights of Access/Impacts on Existing Drainage Systems

- 73 Letters of representation raise concern that the development may impact on existing servitude rights of access. However, such matters are not a material planning consideration and rather a private civil matter between the parties involved. It should be noted that the granting of planning permission does not overwrite any existing rights of access or land ownership issues/restrictions which are apparent on any area of land or access and the applicant has been made aware of the comments received from neighbours regarding these issues. It would be up to the applicant to resolve these issues should they wish to develop the site.

Neighbour Notification Process

- 74 The neighbour notification and public advertisement process has been undertaken in accordance with the relevant legislation.

Economic Impact

- 75 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 76 There have been no variations to the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 77 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 78 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.
- 79 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 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.

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. 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 Environmental Protection Agency.

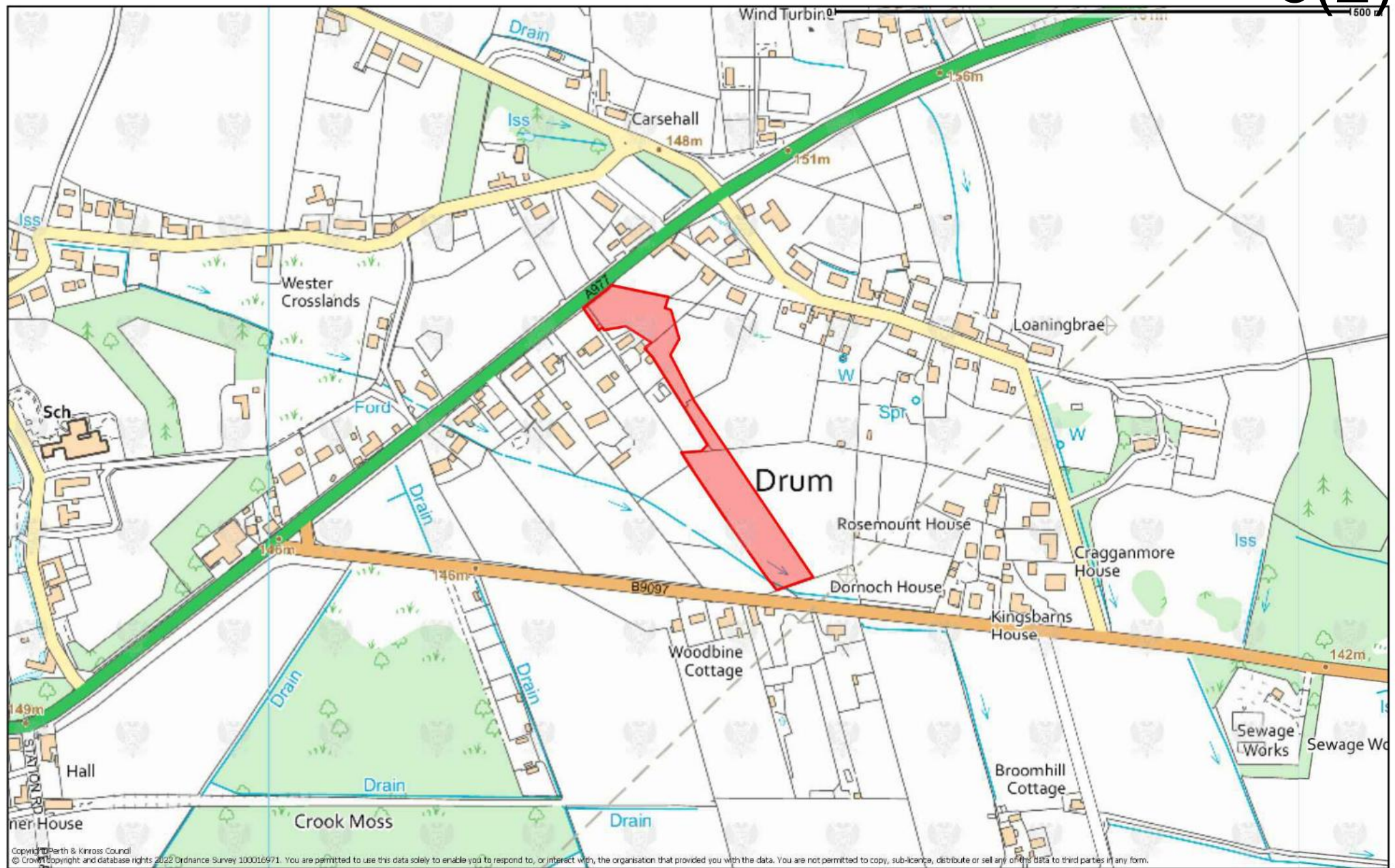
Background Papers: 7 letters of representation
Contact Officer: John Williamson
Date: 11 November 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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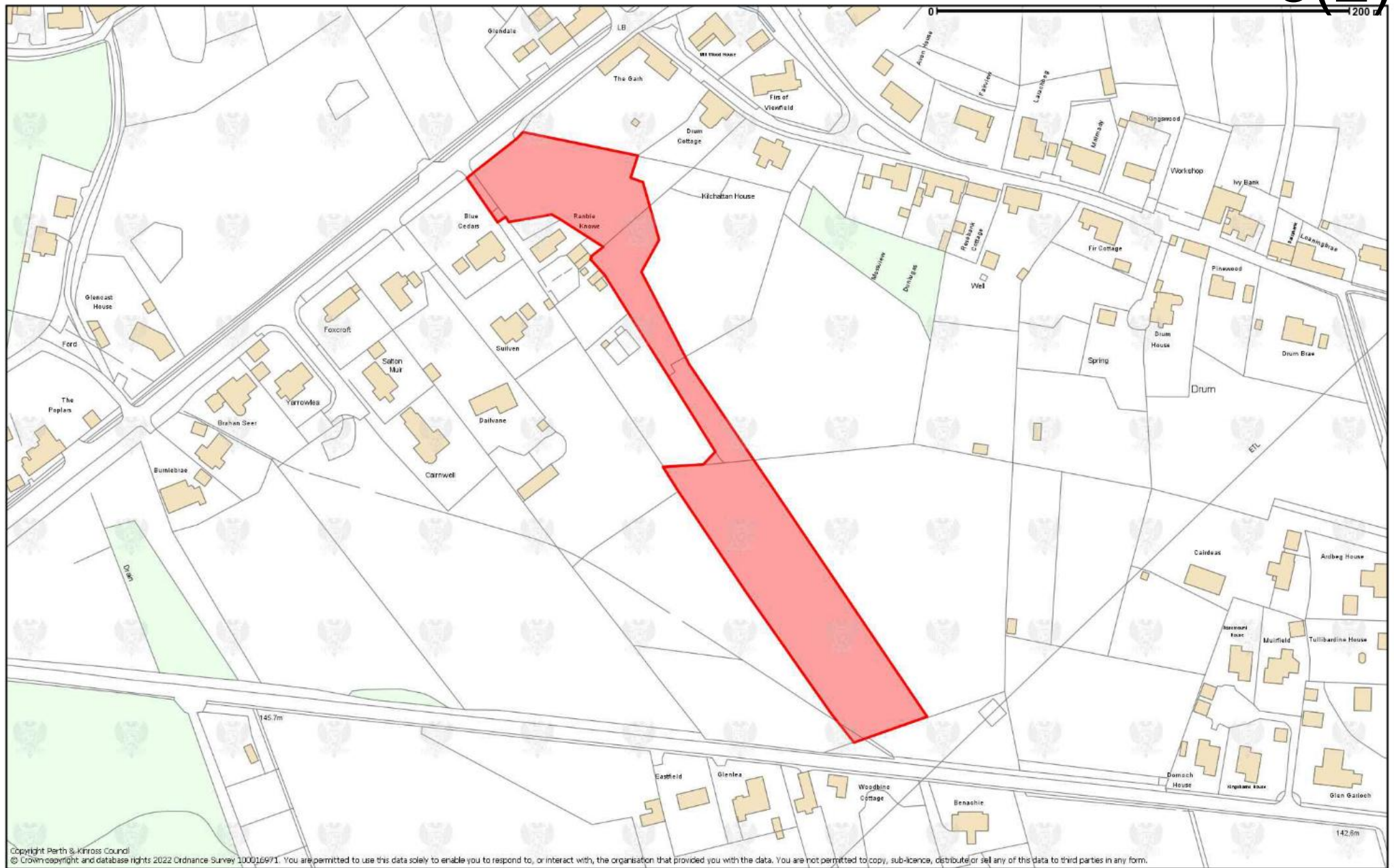
Planning and Placemaking
 Committee - 23 November
 2022
 Scale 1:5000



21/01755/FLL

Erection of 3 dwellinghouses, 3 garages and associated works
 at Land 30 Metres North East Of Rantrie Knowe Drum





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Planning and Placemaking
Committee - 23 November
2022
Scale 1:2500



21/01755/FLL

Erection of 3 dwellinghouses, 3 garages and associated works
at Land 30 Metres North East Of Ranrie Knowe Drum



Perth and Kinross Council
Planning & Placemaking Committee – 23 November 2022
Report of Handling by Head of Planning & Development
(Report No. 22/287)

PROPOSAL:	Siting of 8 holiday accommodation units, erection of ancillary building, alterations and extension to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works
LOCATION:	Dunkeld House Hotel, Dunkeld

Ref. No: [21/02005/FLL](#)
Ward No: P5 – Strathtay

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 Dunkeld House Hotel is a category C listed building dating from 1900. It is set within substantial landscaped grounds which are included on the Inventory of Gardens and Designed Landscapes for Scotland. The hotel has had various extensions over its life, with other developments undertaken within the grounds – including a marquee and a timeshare development to the west of the hotel. The hotel and wider grounds are also covered by several ancient woodland designations and a number of ancient trees are present.
- 2 This is a revised proposal which follows on from two withdrawn applications and seeks to address issues regarding the accuracy of plans and the siting of lodges. The revisions also see the number of lodges reduced from 14 to 8, and lodges re-sited to reflect the findings of an updated tree survey.
- 3 The site where lodges would be situated comprises a dell surrounded by steep sloping sides. The dell floor is mostly clear of trees but covered in bracken. Otherwise, the dell slopes vary in the density of trees, with some areas open and others featuring dense woodland. The proposal will retain all the existing trees and aims to have minimal impact on them. The 8 lodges would be set within existing open areas/clearings free of trees. A central access track is proposed, but the main parking areas are a distance to the west adjoining the main hotel access road. As such the access track is primarily for small service vehicles and not guest traffic, as such there would be limited vehicular traffic. The two lodges closest to the hotel and parking would be 'accessible' with clear access without steps. A further 6 lodges will utilise the existing slopes and be placed on raised platforms accessed via steps and paths. Additional works will

see the extension of two ancillary buildings and erection of a small tank room building.

- 4 Wider access to the site will be via the existing hotel access road. 9 parking spaces are to be added in the west of the site, accessed off the existing access road and a further 6 added to the existing parking area to the rear of the hotel.

Pre-Application Consultation

- 5 Concerns have been raised regarding the lack of public consultation on the proposal. However, the proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such 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.

The Scottish Planning Policy 2014 (SSP)

- 8 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.
- 9 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- 83
 - Supporting Business and Employment : paragraphs 92 -108

- Valuing the Historic Environment paragraphs : 135 - 151
- Valuing the Natural Environment paragraphs : 193 - 218

Planning Advice Notes

- 10 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 Statement
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 60 Natural Heritage
 - PAN 75 Planning for Transport

National Roads Development Guide 2014

- 11 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

- 12 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

- 13 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.”

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice For Investment
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 15 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.

16 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership
- Policy 27A: Listed Buildings
- Policy 29: Gardens and Designed Landscapes
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- 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 47: River Tay Catchment Area
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- 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

Placemaking Supplementary Guidance 2020

- 17 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.

Forest and Woodland Strategy Supplementary Guidance 2020

- 18 The council has prepared guidance relating to the Perth and Kinross Local Development Plan (2019) Policy 40: Forestry, Woodland and Trees, and will be used in the assessment of planning applications. The Guidance has been updated to align with the adopted Local Development Plan (2019) and changes

to national policy particularly the publication of the Scottish Forestry Strategy (2019-2029).

SITE HISTORY

- 19 **20/01799/FLL** A Full Planning Permission application was withdrawn on 18 March 2021, this has proposed the siting of 14 holiday accommodation units, erection of ancillary building, alterations and extensions to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works
- 20 **21/00436/FLL** A second Full Planning Permission application was withdrawn on 29 November 2021, again proposing the for siting of 14 holiday accommodation units, erection of ancillary building, alterations and extensions to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works

CONSULTATIONS

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

External

Dunkeld And Birnam Community Council

- 22 Object. Citing the following reasons: impact on natural heritage, contrary to Scottish Government Policy, light pollution, increase in traffic, detrimental visual impact and that there was no public consultation.

Historic Environment Scotland

- 23 No objection, in terms of impact on Historic Garden and Designed Landscape and scheduled ancient monuments.

Scottish Water

- 24 No objection. Advise the nearest public water main is 1.5km distant and that there is no foul connection.

Scottish Environment Protection Agency

- 25 No consultation required.

NatureScot

- 26 No objection. They consider the proposal will not adversely affect the integrity of the NSA or the objectives of the designation

Scottish Forestry

- 27 No comments. Although it should be noted that no trees are to be felled and ancient woodland considerations are set out in supporting information.

Internal

Transport Planning

- 28 No objection. Advise that access and parking arrangements are acceptable. No conditions requested.

Development Contributions Officer

- 29 Advise that no developer contributions are required.

Biodiversity/Tree Officer

- 30 Tree Officer: No objection, request detailed conditions associated to tree protection during construction. Biodiversity Officer: No objection, note biodiversity enhancements proposed and surveys are to be conditioned.

Structures And Flooding

- 31 No objection. The Flood Officer has previously confirmed that there is no flood risk associated with the site and that drainage arrangements can be controlled by condition.

Commercial Waste Team

- 32 No objection. Advise the hotel is already served by commercial waste collections.

Perth And Kinross Heritage Trust

- 33 No objection. No archaeological concerns.

Environmental Health (Noise Odour)

- 34 No objection, due to site being well contained within a hotel resort complex.

REPRESENTATIONS

- 35 A total of 41 letters of objection have been received, the main issues raised are:

- Impact on woodland/ancient woodland
- Impact on wildlife/habitat
- Construction Impacts
- Noise pollution
- Light pollution
- Overlooking
- Adverse effect on visual amenity
- Inappropriate land use
- Over intensive development
- Lack of details on drainage
- Inappropriate design and finishes
- Contrary to Development Plan Policy
- No business plan
- Loss of open space
- Out of character with the area
- Lack or loss of car parking
- Traffic congestion
- Road safety concerns

- Lack of parking generally within hotel ground
- Loss of a view
- Reduction of rental income

36 These issues are addressed in the appraisal section of the report. Other than: loss of a view or impact on a view, and reduction of rental income which are not material planning considerations.

ADDITIONAL STATEMENTS

37

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal completed
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Arboriculture Assessment; • Heritage, Design and Impact Assessment; • Mammal and Tree Report; • Ecological Appraisal; • Landscape Strategy and Report.

APPRAISAL

38 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.

39 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

40 The proposals are related to a long-established hotel business operating within large grounds out with the settlement boundary of Dunkeld, on the banks of the River Tay. The principle of development is thus to be primarily considered

under LDP2 Policy 8: Rural Business and Diversification and Policy 9: Caravan Sites, Chalets and Timeshare Developments.

- 41 Policy 8 considers the expansion of existing businesses and the creation of new ones in rural areas. There is generally a preference that such development will be within or adjacent to existing settlements. However, sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. The proposal is for holiday accommodation that is related to a well-established existing hotel operation and is an opportunity to diversify an existing business with a site-specific resource.
- 42 There are a number of criteria outlined within the policy which require development to contribute to the local economy, not to result in suburbanisation or encourage unsustainable travel patterns, be compatible with surrounding land uses, able to be accommodated within the landscape and environmental capacity, meets a need by virtue of the location in relation to existing business/tourist facilities, be of high-quality design, and that the road network can accommodate development traffic.
- 43 Therefore, in this case the policy supports the expansion of existing businesses and for reasons covered in more detail below the proposal is considered to meet the Policy criteria.
- 44 Policy 9C refers to 'chalet style' developments and states that favourable consideration will be given where these cannot be used as permanent residences. It goes on to provide criteria for development proposals to satisfy and indicates that the expansion of an of an existing hotel offering will be supported. The criteria require that a proposal doesn't involve an overdevelopment of a site or its setting and meets a specific need by virtue of its quality or location in relation to existing tourism facilities. In this instance the proposal involves a relatively small-scale expansion of an existing well-established hotel offer and therefore the principle of extending the level of accommodation across the wider site, given the facilities already available, is considered acceptable and in accordance with the requirements of Policy 9C. Condition 3 is recommended to ensure each unit is solely used for holiday accommodation only and not as a permanent residence.
- 45 The principle of the development is considered acceptable in terms of both Policy 8 and 9. The detail of the proposal and its impact on residential amenity, landscape and other matters is considered below.

Design and Layout

- 46 The lodges are proposed to be sited within an area aptly known as 'The Dell' and characterised by steeply sloping banks and areas of mature tree coverage. The lodges are generally to be placed on stilts, to raise them above the gradients the dell floor, and accessed via a deck, steps or paths depending on the immediate terrain. The lodges all have a similar layout and design: bedroom, bathroom and an open plan living/kitchen space. A large floor to ceiling window will be positioned within the living space. Two of the lodges

although of similar layout are designed to be 'accessible' accommodation with low gradient ground level access.

- 47 The lodges are of a panel-built construction system, designed for easy on-site assembly, responding to the complex site constraints. Externally cladding with Larch boards is proposed, whilst the roof is a dark grey single ply roofing membrane. The windows are dark framed and double glazed.
- 48 The site is well contained with the scale of the development and siting of the lodging taking cognisance of the site limitations. As such, the proposal is considered to be of an appropriate scale and design and is considered to be conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

Residential Amenity

- 49 The nearest residential properties are located in excess of 350m away. There are holiday homes located to the west, but as the development is of a similar use it is considered that any noise from the operation of the lodges would not be different to that which already exists. Concerns have also been noted in relation to overlooking but the distance between the nearest proposed and existing holiday unit is in excess of 100 metres and not considered to result in any unacceptable impingement.
- 50 The application includes the extension of three buildings, to be used to house the biomass, plant equipment and tank/pump. As above due to the intervening distance there would be no unacceptable impact on residential amenity of neighbouring properties.
- 51 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties in accordance with the placemaking policies 1A and 1B.

Light Pollution

- 52 Policy 55 of LDP2 states that consent will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The plans indicate low level lighting but to ensure that the details are fully agreed with an appropriate scheme a condition will be added (Condition 5).

Conservation Considerations

- 53 The proposed development is located within the Dunkeld House designed landscape, which is included in the Inventory of Gardens and Designed Landscapes, in recognition of its national importance. The hotel building is also Category C(s) listed, whilst Kings Seat Scheduled Monument lies to the north-west.
- 54 Historic Environment Scotland (HES) have considered the proposals and were involved previously in discussions regarding opportunities for development within the wider hotel grounds. They consider that this enclosed and secluded

part of the designed landscape could, in principle, accommodate a very limited level of development. This was subject to any lodge development being carefully designed to have the minimum impact on the character of this part of the inventory landscape. Such a development should be: a small number of lodges, with minimal landforming (cut and fill) and infrastructure (pedestrian access rather than road, minimal lighting and service infrastructure). HES noted that great care should be taken to ensure that the number and location of units, design, scale, access and landscaping and planting reinforced the parkland character of this part of the inventory landscape.

- 55 HES have considered the current proposals and are satisfied that the form of development would not have a detrimental impact on this part of the Inventory site or the setting of the scheduled monument. It is further considered that for the reasons stated by HES that the development is adequately screened and separated from the listed building that it would not impact the setting.
- 56 The proposal is therefore considered to comply with Policy 26A Scheduled Monuments, Policy 27A Listed Buildings and Policy 29 Gardens and Designated Landscapes.

Landscape

- 57 Policy 39: Landscape, requires proposals to be compatible with the landscape character of the area and be a good fit with the landscape and amongst other things, not erode local distinctiveness. In general development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape, with proposals that do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross supported.
- 58 The site is within a National Scenic Area (NSA) and whilst concerns are noted within representations regarding a lack of information, in particular a Landscape and Visual Impact Assessment, the small scale of the proposal and the containment within the landscape combined with the comments from Historic Environment Scotland and NatureScot conclude that an LVIA is not proportionately required.
- 59 The proposal is therefore considered of small scale and within an existing hotel complex, so as to be readily accommodated with the capacity of the landscape and therefore complies with Policy 39 of LDP2.

River Tay Special Area of Conservation

- 60 The River Tay Special Area of Conservation (SAC) is located approximately 150 metres to the southeast and separated by existing development, with no watercourses adjacent. In this context consideration of impacts during the construction period could be adequately covered by a Construction Method Statement. (Condition 4)

Natural Heritage and Biodiversity

- 61 Dunkeld Estate is a candidate local nature conservation site in the process of survey and assessment. Until designation, this is covered by Policy 38C: Nature Conservation. However it has clearly been identified as an area at least of local importance for biodiversity, either in the past or due to expert opinion, and therefore a precautionary approach should be taken to impacts via consideration against Policy 41 Biodiversity.
- 62 The additional survey requirements outlined in an updated Preliminary Ecological Appraisal Report (PEAR) (Echoes Ecology Ltd, 2020) and requested in previous applications have been carried out and the results are reported in the submitted Mammal Survey (29 September 2021). In addition, red squirrel and bat surveys were undertaken. It is noted that the survey requirement sections in the PEAR have not been updated to reflect that all surveys have been completed. All recommendations outlined in the submitted Mammal Survey will require to be implemented and fully adhered to (Condition 10).
- 63 Overall enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations. Opportunities for enhancement are discussed within the PEAR and include: deadwood retention, provision of bird and bat boxes, planting wildflower meadows and native shrubs. All these measures would be welcomed as positive measures for biodiversity. A Site Biodiversity Action Plan was encouraged but not provided. Therefore, enhancement shall be confirmed via condition (Condition 12).

Ancient Woodland/Trees

- 64 Large areas of the surrounding land and part of the application site are identified within Scotland's Ancient Woodland Inventory. This defines land that is currently and has continually been wooded since at least 1750. Although not legally protected, Ancient Woodland Inventory sites are an important and irreplaceable habitat and the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of ancient woodland. There are no LDP2 policies which prohibit development within ancient woodland, although the impact of development must be carefully considered. One tree of cultural merit is a veteran European Larch tag no. T1362 known as the 'Pedestal Larch'.
- 65 As mentioned, the site itself is partially zoned as Ancient Woodland, with 5 of the 8 lodges within the zoning. The hotel grounds are largely designated as such and as such opportunities to develop out with the designation are limited. The area selected also has areas of natural clearings which allow development to be sited without tree removal.
- 66 The number of chalets proposed has been reduced (14 to 8) from the previous application, and the chalet positions are now in a preferable location, less likely to affect trees.

- 67 The information provided advises that as a mitigation method to reduce impact on tree roots, the chalet units would be secured through the use of screw piling and a galvanised steel framework. The use of 'Bogmats' to minimise ground disturbance is also proposed and welcomed. The application is also supported by a detailed method statement setting out how the works will be undertaken, the phasing of the operations and the control measures to be adopted. Strict compliance with the terms of the *Arboricultural Method Statement* will be conditioned as well as pre-start meetings to control site operations and tree protection systems (Conditions 6, 7, 8 and 9).

Roads and Access

- 68 The accommodation units will use the existing road infrastructure from the public road network to access the site and no changes are proposed.
- 69 Associated with the development is the provision of an additional 15 car parking spaces. The level of parking provision for the one bedroomed holiday units is acceptable and meets the minimum requirements in the National Roads Development Guide. As it is likely that the associated parking requirement would be one space per lodge it is considered that the proposal will create more parking than needed, adding to the hotels overall provision.
- 70 The access along the main front drive, as shown in the red line boundary, to the site sees regular passing places along its length. This will provide space for vehicles to pass. It has been noted that there is an additional access to the hotel which could also be utilised. However, this has not been indicated as the proposed access and is not currently promoted for hotel patrons.
- 71 Whilst public transport does not serve the hotel, Dunkeld sees bus and train services. There are also opportunities for walking and cycling in the area and the proposal is of a relatively small scale so as not to encourage unsustainable travel patterns or result in suburbanisation of the rural area.
- 72 Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

Drainage and Flooding

- 73 SEPA's indicative flood maps do not identify the site as being at risk of flooding and there are no known issues or concerns in respect to flooding at the site.
- 74 The site is accompanied by drainage information which shows a number of small soakaways and a piped connection to the existing sewage treatment plant. These mainly follow the proposed paths and roads to minimise ground works.
- 75 The Flood Team note that it is not clear to what rainfall event the soakaways have been designed. However as this is private on-site drainage any impacts would be to the wider site which is under the applicant's control. The Flood Team therefore advise the applicant to consider where the potential overland flow paths would go if the drainage capacity were to be exceeded. A SUDs condition is recommended (Condition 13).

Waste Collection

- 76 The existing hotel is served by commercial bin collection and the small scale of the proposal is not considered to have a significant impact on these arrangements.

Embedding Low & Zero Carbon Generating Technologies

- 77 Policy 32 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.
- 78 There are no details within the submission of any renewable technologies and with most developments it is considered that some measures could be incorporated. It is therefore considered that a planning condition can be added to require the inclusion of low and zero-carbon generating technologies (Condition 14).

Developer Contributions

- 79 There are no developer contributions applicable to the site.

Economic Impact

- 80 The proposal provides additional tourist accommodation increasing the choice of accommodation at the hotel and potential employment opportunities. This is likely to create a positive economic impact. There is also likely to be some short-term economic gain from the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 81 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 82 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 83 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

- 84 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.

- 85 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 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.

11. 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.

12. 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.

13. 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.

14. 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

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. 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.

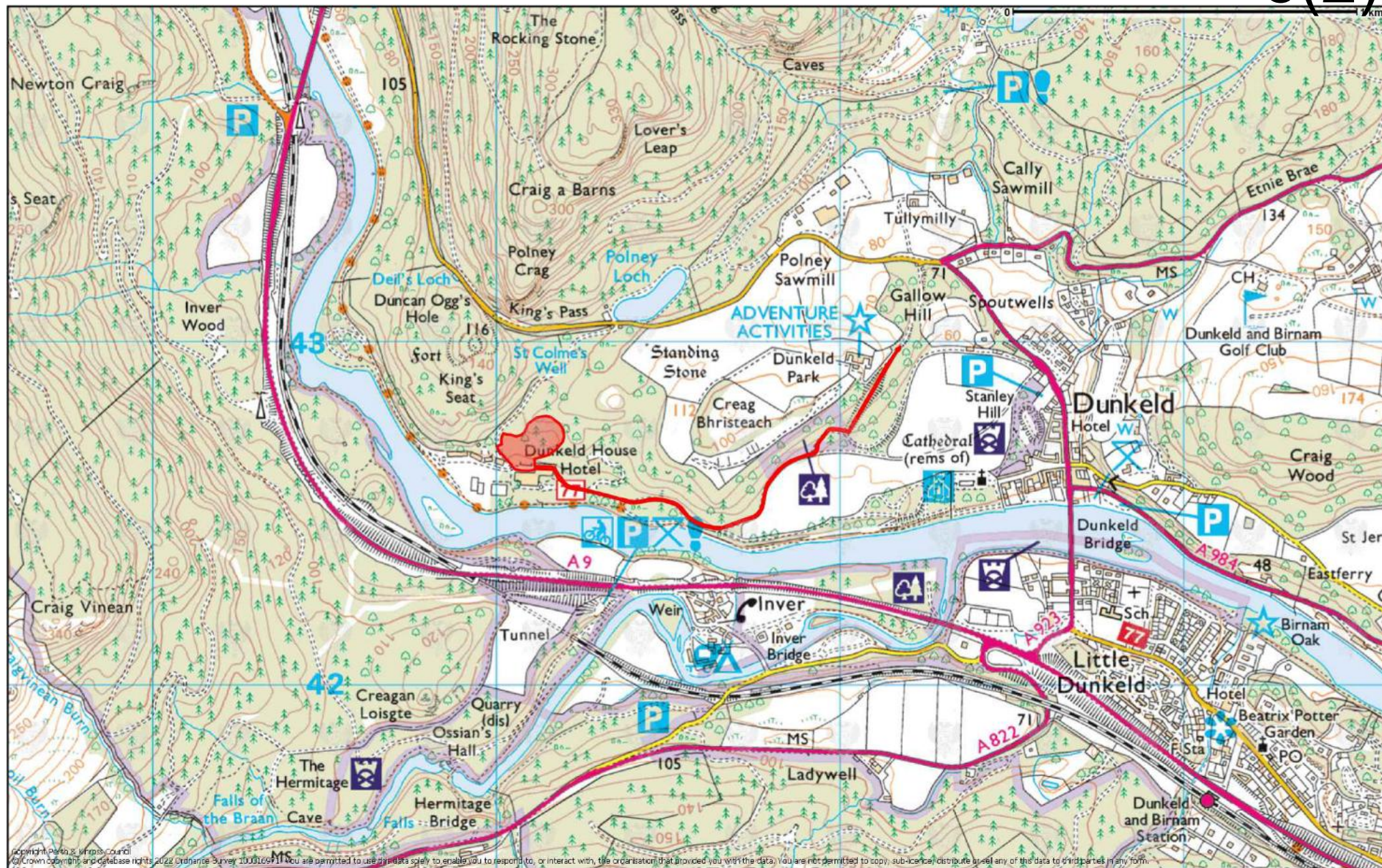
Background Papers: 41 representations
Contact Officer: Joanne Ferguson
Date: 11 November 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking
Committee - 23 November
2022

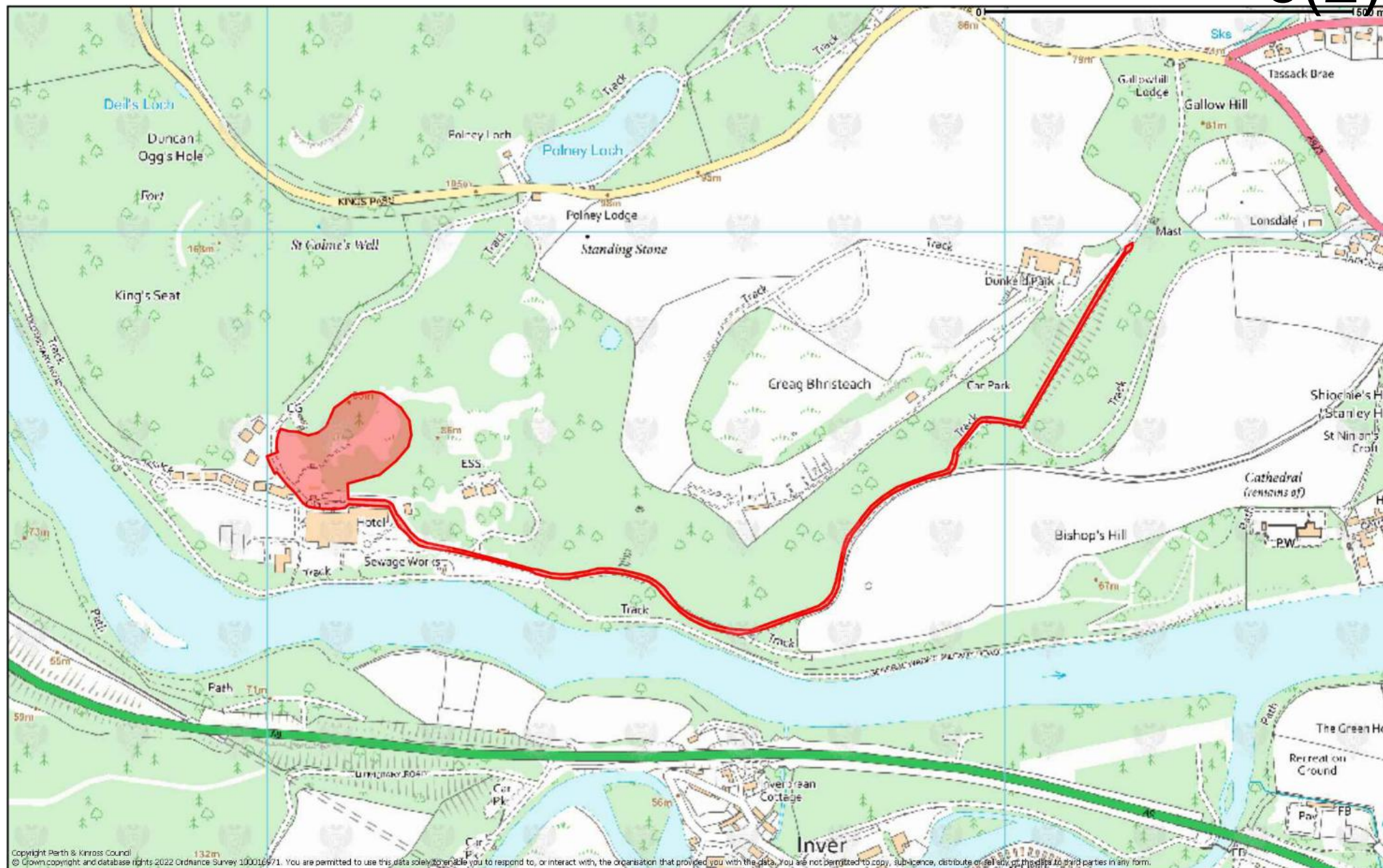
Scale 1:15000



21/02005/FLL

Siting of 8 holiday accommodation units, erection of ancillary building, alterations and extension to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works at Dunkeld House Hotel Dunkeld PH8 0HX





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Planning and Placemaking
Committee - 23 November
2022

Scale 1:7000



21/02005/FLL

Siting of 8 holiday accommodation units, erection of ancillary building, alterations and extension to ancillary buildings, formation of landscaping and paths, extension to car parking and associated works at Dunkeld House Hotel Dunkeld PH8 0HX



Perth and Kinross Council
Planning & Placemaking Committee – 23 November 2022
Pre-Application Report by Head of Planning and Development
(Report No. 22/288)

Installation of a battery energy storage facility comprising battery storage units and associated works, land 100 Metres Southwest of Birch Grove, Killichonan.

Ref. No: [22/00020/PAN](#)

Ward No: P4 – Highland

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 20 Megawatt (MW) grid connected battery energy storage facility along with ancillary infrastructure, on land 100 Metres Southwest of Birch Grove, Killichonan, Loch Rannoch. 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 has submitted a Proposal of Application Notice (PoAN) on 5 October 2021. 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 Muirden Energy LLP, pertaining to the installation of a 20 MW battery energy storage facility along with associated infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. 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 opinion has already been provided by the Planning Authority for a 20 MW Battery Energy Storage at this location dated 30 September 2021. In terms of extent, scale, magnitude, complexity,

probability, duration, frequency and reversibility, it was considered unlikely that the development would have a significant effect on the environment.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that two in person public events are to be held at the Bridge of Gaur Hall on 15 November 2022 and 1 December 2022. The Ward Councillors as well as the Rannoch Community Trust and Killiecrankie, Fincastle and Tummel 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 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 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”

- 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 27A Listed Buildings
- 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 38B National Designations
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47 River Tay catchment Area
- 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

PLANNING SITE HISTORY

- 15 [21/01700/SCRN](#): Screening Opinion Request for the Installation of a 20MW grid connected battery storage facility and associated infrastructure on land 100 Metres Southwest of Birch Grove, Killichonan. Opinion Issued 30th September 2021.

CONSULTATIONS

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

External

- Scottish Environment Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust (PKHT)
- Historic Environment Scotland
- Rannoch Community Trust
- Killiecrankie, Fincastle and Tummell Community Council (Rannoch Community Council is not active)

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 the setting of Rannoch Power Station listed as a Category A Listed Building
- Noise from Operation on nearby residents
- Biodiversity impacts, including protected species
- Flood and drainage impacts
- Landscape and visual impacts, including on the National Scenic Area
- Traffic and Transport Impacts

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: 11 October 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking
Committee - 23 November
2022

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22/00020/PAN

Installation of 20MW battery storage facility at Land 100 Metres
South West Of Birch Grove Killchonan





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Planning and Placemaking
Committee - 23 November
2022

Scale 1:10000



22/00020/PAN

Installation of 20MW battery storage facility at Land 100 Metres
South West Of Birch Grove Killichonan



