

PLANNING AND PLACEMAKING COMMITTEE

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

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

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

Apologies: Councillor D Illingworth.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

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

3. MINUTES

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

4. DEPUTATIONS

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

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

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

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

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

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

Resolved:

Refuse, for the following reasons:

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

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

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

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

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

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

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

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

Resolved:

Refuse, for the following reasons:

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

COUNCILLOR C REID RETURNED TO THE CHAMBER.

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

(2) Local Applications

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

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

Resolved:

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

General

1. The development hereby approved must be carried out in accordance with the approved drawings and documents,

unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

2. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

Noise

3. Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

4. Prior to the commencement of development hereby approved, the developer shall submit a detailed scheme and specification for the proposed mitigation acoustic barriers on the B8062 to ensure a 10db reduction as outlined in the Noise and Vibration Assessment Report 2060467.RSK-001-(00) dated 14 March 2022 undertaken by RSK Environmental Ltd for the written approval of the planning authority. Thereafter the approved scheme for the acoustic barriers shall be installed to the satisfaction of the planning authority prior to the operation of the Shinafoot Junction.

Reason – In the interests of residential amenity and avoiding adverse direct impacts on those properties adjoining the B8062 local road.

5. The Best Practical Means Control Measures outlined in Section 5.3 of the hereby approved Noise and Vibration Assessment Report 2060467RSK001-(001) dated 14 March 2022 undertaken by RSK Environmental Ltd (Plan reference 21/01968/), shall be implemented prior to the hereby approved development being brought into use.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 3 - 5. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 4 and 5 a scheme of noise mitigation shall be included with the

noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales. Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Dust

7. Prior to the commencement of the development hereby approved a Dust Management Plan (DMP) shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Environmental Health. The DMP shall be adhered to throughout the construction stage of the development and shall be reviewed by the applicant on request of the Planning Authority or Environmental Health. Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Biodiversity

8. The mitigation and compensation strategy recommended action points within the hereby approved Ecological Impact Assessment Report, prepared by Eco North Ecological Consultants – dated 24 June 2022 shall be fully adhered to, respected and undertaken as part of the construction phase of development. Reason – In the interests of protecting environmental quality and of biodiversity.
9. No later than two months prior to the commencement of development hereby approved, an updated Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Statement (DMS), a Dust management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Transport Scotland and the Council's Biodiversity Officer. The Construction Environment Management Plan (CEMP) approved via condition 8 shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP. Reason – In the interest of protecting environmental quality and to mitigate the adverse impact of development on the local environment.

Traffic and Transport

10. Two months prior to the commencement of works on the development hereby approved, the applicant shall submit for the written approval of the Planning Authority a

Construction Traffic Management Plan (CTMP) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

The CTMP as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interests of vehicle and pedestrian safety.

11. At least two months prior to the commencement of works to upgrade the B8062, including any works to the bridge over Ruthven Water, the developer shall submit all final road construction drawings and any engineering specifications pertaining to these works to the Planning

Authority, in consultation with the Roads Authority, for written approval. No development shall commence until the prior written approval and agreement has been obtained. Prior to the opening or public use of the new southbound A9 diverge slip hereby approved, all road infrastructure upgrade works to the B8062, including the promoting of any amendments to the existing traffic regulation orders, shall be complete to a design & specification to the satisfaction of Perth and Kinross Council as Planning Authority and in consultation with the Roads Authority.

Reason – In the interests of road safety and to ensure that the works meet the necessary engineering standards for road construction.

12. The upstream splayed span of the Replacement Ruthven Water Road Bridge hereby approved, shall be reduced by 1.15 metres in accordance with the submitted Flood Risk Assessment prepared by Fairhurst, dated 14th March 2022. At least two months prior to the commencement of works to replace the bridge the finalised bridge design shall be submitted to the Council as Planning Authority, in consultation with the Roads Authority for agreement and written approval in accordance with condition 11. No development shall commence until the prior written approval and agreement has been obtained.

Reason – To ensure the development has no significant negative flood impacts and proceeds in accordance with the flood risk assessment submitted.

Justification

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

Informatives

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and

Flood Risk Assessments 2021 as it contains advice relevant to your development.

<https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk->

[Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000)

4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey will be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
7. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
8. The applicant should be informed that the granting of planning permission does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

9. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
10. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
11. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
12. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
13. An application for Building Warrant may be required.
14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

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

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

Resolved:

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

General

1. This planning permission will last only for three years from the date of this decision notice unless the development has been started within that period.
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland)

Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

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

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

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Justification

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

Informatives

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
2. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>
3. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
4. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

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

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

Resolved:

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

Conditions

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period.
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
3. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.
Reason – In order to clarify the terms of the permission; to control and restrict the use of the building.
4. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
 - a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound

- d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

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

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

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

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

- 6. Prior to the commencement of any works on site, an independent and fully qualified Arboricultural Clerk of Works (ArbCow) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the construction and shall have the responsibility of ensuring tree protection measures are implemented in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction, and tree protection measures are maintained secure at all times, and until completion of the development. In addition, the following is required;

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

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

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

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

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

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

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

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

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

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

13. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and

operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

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

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. An application for Building Warrant may be required.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.
5. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two

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

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

6. PROPOSAL OF APPLICATION NOTICES (PAN)

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

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

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