

# PERTH AND KINROSS COUNCIL

Minute of meeting of Perth and Kinross Council held virtually on Wednesday 24 June 2020 at 9.30am.

Present: Provost D Melloy, Councillors C Ahern, H Anderson, A Bailey, K Baird, M Barnacle (up to and including Item 9), P Barrett, B Brawn, R Brock, A Coates (up to and including Item 13), H Coates (up to and including Item 13), S Donaldson, E Drysdale, J Duff, A Forbes, D Illingworth, T Gray, D Illingworth, I James, A Jarvis, G Laing, M Lyle, R McCall, S McCole, X McDade, T McEwan, A Parrott, B Pover, C Purves, J Rebbeck, C Reid, W Robertson, F Sarwar, C Shiers, L Simpson, C Stewart, R Watters, M Williamson and W Wilson.

In Attendance: K Reid, Chief Executive; S Devlin, Executive Director (Education and Children's Services); B Renton, Executive Director (Housing and Environment); G Paterson, Chief Officer/Director – Integrated Health and Social Care; K Donaldson, Interim Chief Operating Officer; L Simpson, S Hendry, S Mackenzie, S Walker, A Brown and A Taylor (all Corporate and Democratic Services); D Littlejohn, C Mailer, C Forbes, M Butterworth (all Housing and Environment); C Wright and S Watt (IT).

## 1. WELCOME AND APOLOGIES

The Provost welcomed all those present and it was noted that no apologies had been submitted. The Provost then handed over to the Depute Provost to lead on the business of the meeting.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

## 3. DEPUTATION

In terms of Standing Order 72, the Committee agreed to hear a deputation from Mr T Hart, Town Planner, SSE in relation to Item 11 on the agenda.

## 4. MINUTES

- (i) The minute of meeting of Perth and Kinross Council of 19 February 2020 was submitted, approved as a correct record and authorised for signature.
- (ii) The minute of special meeting of Perth and Kinross Council of 6 March 2020 was submitted, approved as a correct record and authorised for signature.
- (iii) The minute of special meeting of Perth and Kinross Council of 20 May 2020 was submitted, approved as a correct record and authorised for signature, noting that in relation to the second bullet point of section 5 of the minute, the reference should read as hybrid meetings.

- (iv) The minute of special meeting of Perth and Kinross Council of 1 June 2020 was submitted, approved as a correct record and authorised for signature.

## **5. RECORD OF DECISIONS UNDER EMERGENCY POWERS**

The record of decisions made under emergency powers as of 24 June 2020 was submitted and noted.

The Chief Executive advised that further to the Council meeting of 20 May 2020, and following further discussion with elected members, a proposed revised timetable of virtual meetings had been sent to all members (see Appendix 1) until the end of September 2020 to allow a return from decisions made under emergency powers to full democratic decision making from 17 August 2020.

### **Resolved:**

The revised timetable of virtual meetings until the end of September 2020 be approved.

## **6. UNAUDITED ACCOUNTS**

It was noted that the draft unaudited accounts for 2019/20 would be submitted to the Council's auditors by 30 June 2020, would be available for public inspection from 1 July 2020 and would be submitted to the Audit Committee at the earliest opportunity.

## **7. FINANCIAL UPDATE – COVID-19**

There was submitted a report by the Head of Finance providing (20/102) (1) an update on the potential financial implications of the covid-19 pandemic upon the Council's overall financial position; and (2) information on the funding which has been provided to the Council in response to the pandemic to help support residents and local businesses.

### **Resolved:**

- (i) The contents of Report 20/102 be noted.
- (ii) It be noted that further work would be carried out by officers on financial modelling to set out the impact on the Council's budgetary position and to inform a review of the Medium-Term Financial Plan in September.

## **8. COVID-19 – APPROACH TO RECOVERY AND RENEWAL: BUILDING AN EVEN BETTER PERTH AND KINROSS**

There was submitted a report by the Chief Executive (20/107) seeking endorsement from members of the Council to the proposed approach to support Perth and Kinross's recovery and renewal from the COVID-19 pandemic.

### **Resolved:**

- (i) The proposed draft framework to Recovery and Renewal, as set out in Report 20/107, which will form the basis of a Recovery and Renewal Strategy, be approved.

- (ii) It be requested that a further report is brought to the next meeting of Council on 30 July 2020, outlining the known impact at that time, and providing further details about the emerging issues, priorities and Recovery and Renewal plans.
- (iii) The role of elected members in the Recovery and Renewal Strategy, as outlined at Section 3.3 of Report 20/107, be endorsed.

## **9. COVID-19 - PERTH AND KINROSS - LOCAL PHASING DELIVERY PLAN**

There was submitted a report by the Executive Director (Education and Children's Services) (20/208) (1) outlining the current position of how education and childcare has been delivered since schools were closed in March 2020; (2) setting out the evolving position of how Education and Children's Services is planning to implement a phased return to schools and early learning and childcare provision on 11 August 2020; and (3) outlining the key areas which will be addressed in a phased reopening of schools and early learning and childcare provision from 11 August 2020.

The Executive Director (Education and Children's Services) provided a verbal update following an announcement by the Depute First Minister on 23 June 2020 which outlined a proposed return for all children on a full-time basis on 11 August 2020, conditional on public health guidance and scientific and medical advice at the time that it is safe to do so.

### **Resolved:**

- (i) The contents of Report 20/208 and the Local Phasing Delivery Plan, attached as Appendix 1 to Report 20/208, be noted.
- (ii) It be further noted that following the announcement by the Depute First Minister on 23 June 2020, the plan would be implemented if required.

*THE COMMITTEE TOOK A 30 MINUTE RECESS*

*THE COMMITTEE RECONVENED AT 1.19PM*

*COUNCILLOR BARNACLE DID NOT RETURN TO THE MEETING.*

## **10. COMRIE FLOOD PROTECTION SCHEME 2020**

There was submitted a report by the Head of Environmental and Consumer Services (20/103) (1) providing an update on the progress of the Comrie Flood Protection Scheme; and (2) proposing that the Council takes a preliminary decision, under the Flood Risk Management (Scotland) Act 2009, to confirm the proposed Scheme without modification.

### **Resolved:**

- (i) The valid objections and the Environmental Impact, as outlined in Report 20/103, be noted.
- (i) The proposed Comrie Flood Protection Scheme, outlined in Report 20/103, be confirmed without modification.

- (ii) The Executive Director (Housing and Environment) be authorised to carry out all necessary steps to progress the statutory process of the Comrie Flood Protection Scheme, which includes:
  - (a) Notice being given, of the preliminary decision to confirm the Scheme, to those residents who submitted an objection and to Scottish Ministers.
  - (b) Arranging a local authority hearing as directed by Scottish Ministers.
  - (c) A report to be brought back to the Council once a hearing has been concluded.

**11. PLANNING APPLICATION 19/01747/FLN - INSTALLATION OF AN ELECTRICITY SUBSTANTION, SUPPORTING INFRASTRUCTURE, LANDSCAPING AND ASSOCIATED WORKS AT LAND 450 METRES NORTH WEST OF HAUGHEND FARM, MEIGLE**

There was submitted a report by the Head of Planning and Development (20/104) recommending the approval of a 'National' category planning application 19/01747/FLN, relating to development of a substation project and associated works.

In terms of Standing Order 72, Mr Hart addressed the Committee virtually and answered Members questions.

**Resolved:**

- (i) The contents of Report 20/104 be noted.
- (ii) The proposals, subject to the conditions and reasons amended as set out below, be approved.
- (iii) Departure from the standard three-year timescale to extend the permission for five years, consistent with project timescales, be approved.

**Direction**

Perth and Kinross Council direct that subsections (2), (3) and (3a) of Section 58 of the Town and Country Planning (Scotland) Act 1997 apply as respects to application 19/01747/FLN; with the substitution of 3 years to 5 years.

**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 a satisfactory development as indicated on the submitted drawings.
- 2. Prior to the commencement of development, all works associated with planning permission 19/01685/FLL shall be fully implemented, to the written agreement of the Council as Planning Authority.  
Reason: To ensure all necessary access infrastructure has been delivered and in place to enable this development to be delivered and in accordance with Perth and Kinross Local Development Plan 2 (2019).
- 3. A minimum of two months prior to the commencement of development, the final site-specific drainage details shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and the Council's Flood Prevention Authority, and all work shall be carried out in accordance

with the said scheme. The submitted information shall include a detailed drawing of the SUDS layout for the proposal site.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area, for the protection of the water environment and to ensure that the development does not exacerbate flooding downstream of the development.

4. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and any hard landscaping 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 any part of the development, whichever is the earlier.

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

5. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

6. Prior to the commencement of development, full details of both hard and soft landscaping works and an indicative landscape phasing plan shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours detailing cut/fill and height and location of bunding in proximity to adjacent watercourses; means of enclosure; hard surfacing materials and exact location of lighting and/or security cameras. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate. Thereafter the landscape works, and timings shall be carried out as approved. 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.

Reason: To bring forward and establish appropriate structural landscaping at the earliest opportunity, and long term ensure a satisfactory level of landscape and visual mitigation is achieved and to preserve and enhance nature conservation interests.

7. Any planting failing to become established within five years following the date of Practical Completion, shall be replaced in the following planting season with others of similar size, species and number.

Reason: To ensure that a satisfactory level of landscape and visual mitigation is achieved and ensure the Local Planning Authority retains effective control.

8. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan

(CTMP) and Environmental Management Plan (EMP). A detailed compound layout which sets out measures to ensure the public road network is kept free from mud or debris shall also be included. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

9. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) 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 and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:

- (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
- (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including re-instatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason: To avoid habitat damage and safeguard natural heritage interests.

10. In association with condition 1 and for the avoidance of doubt, the mitigation measures as set out in Appendix 3.1 – Schedule of Mitigation Measures (plan

19/01747/26) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

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 (PKHT). 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 PKHT or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard any archaeological interest of the site.

12. Prior to the commencement of the development hereby approved, protective fencing shall be erected around 'Enclosure 500m west of Haughend' (SM7263) in a manner to be agreed in writing in advance with the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT) and be clearly identified on the Construction Exclusion Zone (CEZ) Plan within the Construction Environment Management Plan (CEMP), in association with Condition 8. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT.

Reason: To ensure the preservation of the historic environment safeguard the identified Scheduled Monument within and adjacent to the site boundaries.

13. Civil engineering and superstructure works shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays. Any variation in these working hours shall only be as agreed in writing and in advance by this Council as Planning Authority.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

14. In association with condition 1 and for the avoidance of doubt; unless otherwise provided for by subsequent submission in relation to this condition, the applicant shall ensure that all recommended mitigation methods detailed in Woods Noise Mitigation Assessment dated 21/02/2020 (plan 19/01747/90) are fully implemented (in association with the relevant plant and infrastructure identified).

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plan.

15. 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: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plan.

16. In the event, that justified noise complaints are received by the Council, the applicant at their own expense, shall employ an independent and suitably qualified consultant to carry out a Noise Assessment from the operational development. The appointed consultant and methodology for the Noise Assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health within 28 days of being notified of the complaint. Within 28 days of approval of appointed consultant and methodology, a Noise Assessment shall be submitted, outlining mitigation and recommended timescales for delivery (if action is required). Thereafter, all mitigation measures shall be implemented within the timescales recommended.

Reason: To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

17. All external lighting shall be sufficiently screened and aligned to protect ecology and 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: To protect ecological interests and the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.

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

Reason: To ensure a satisfactory standard of development and in the interests of protecting environmental quality and of biodiversity.

19. Trees remaining on site 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 be identified on the Construction Exclusion Zone (CEZ) Plan within the Construction Environment Management Plan (CEMP), in association with Condition 8. Protection measures, once in place, shall remain in place for the duration of construction.

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

### **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. The development will require the 'Display of Notice while development is carried out' under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. Should consent be given, it is important that the developer, or his agent, contact Perth and Kinross Heritage Trust (PKHT) as soon as possible. PKHT can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.
6. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. The applicant should take note of the information and advice contained within the consultation response from RSPB (including recommendations to contact the Tayside Raptor Study Group for input into the Construction Environmental Management Plan (CEMP)).
10. An application for Building Warrant may be required.

## **12. THE FINAL REPORT OF THE INDEPENDENT INQUIRY INTO MENTAL HEALTH SERVICES IN TAYSIDE - 'TRUST AND RESPECT'**

There was submitted a report by the Chief Officer/Director - Integrated Health and Social Care (20/105) providing Perth and Kinross Council with information on the publication of the final report of the Independent Inquiry into Mental Health Services in Tayside and on the collaborative approach being taken to address the recommendations and deliver improvements.

### **Resolved:**

- (i) The publication of the final report of the 'Independent Inquiry Into Mental Health Services in Tayside', be noted.
- (ii) The collective action that being taken to deliver the necessary improvements in response to the recommendations in 'Trust and Respect', be noted.

## **13. APPOINTMENT TO COMMITTEE**

### **Resolved:**

Councillor Colin Stewart be appointed to the Licencing Committee.

*THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 2.52PM.*

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

## **P1. DISPOSAL OF FORMER COUNCIL OFFICES AT 1-5 HIGH STREET**

There was submitted a report by the Head of Planning and Development (20/106) regarding the disposal of the former Council Offices at 1-5 High Street, Perth.

*THERE FOLLOWED A FURTHER RECESS AND THE MEETING RECONVENED AT 3.31PM.*

### **Resolved:**

Consideration of the report be deferred to a future meeting of the Council in July.