

**Motion (Councillors R McCall and I James)**

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

**Conditions**

- 1. The proposed development must be carried out in accordance with the approved drawings and documents, including but not limited to the schedule of mitigation measures outlined within Chapter 19 of the Environmental Impact Assessment Report (EIAR) (plan 19/01837/59), unless otherwise provided for by conditions imposed by this permission.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.**
- 2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topics areas as set out in outline CEMP (plan 19/01837/69) as well as:**
  - Detailed Phasing and Delivery Plan;**
  - Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores;**
  - Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off;**
  - Environmental Management Plan (EMP) to deal with noise, vibration; and dust, on and off the site and methods of monitoring levels for each;**
  - Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary);**
  - An Invasive Control Plan (ICP) detailing the control of all four invasive plant species identified;**
  - An Aftercare Monitoring Plan (AMP) providing a methodology for progressive restoration proposals for all habitats, developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration and Landscaping Establishment Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year. For the avoidance of doubt, the AMP will include assessment of the success or failure of landscaping required by Condition 10, the ICP and appropriate recommendations;**
  - A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during monitoring.**

**Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.**

**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.

3. In association with Condition 2, a minimum of two months prior to commencement of development, a detailed Construction Traffic Management Scheme (CTMS) shall be submitted to the Council as Planning Authority for approval in writing, in consultation with the relevant Roads Authority which shall include the following:
- a) restriction of construction traffic to approved routes and where practicable 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 public road;
  - g) arrangements for cleaning of public 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 (including temporary traffic lights and plant crossings) 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) co-ordination with other significant developments known to use roads affected by construction traffic;
  - k) monitoring, reporting and implementation arrangements; and
  - l) arrangements for dealing with non-compliance.

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

**Reason:** In the interest of proper site management, road safety and to ensure the safe and efficient use of the public road network.

4. In association with Condition 2, the development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the applicant's expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration of the

construction elements of the proposed development. The E/L/EnvCoW shall have responsibility for the following:

- a) Overseeing compliance of the Construction Environmental Management Plan (CEMP) required by this permission;
- b) An empowered watching brief and involvement in decisions over key development stages, directing the micro-siting of significant elements of the scheme to minimise impact on natural and/or cultural heritage and visual amenity. The CEMP is a 'live' document which must remain effective throughout the duration of construction and could be subject to change. The document control of the CEMP must set out the reason for the change, clearly identifying what has been changed and that it has the relevant Clerk of Works sign off;
- c) Authorisation to stop or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the CEMP shall be submitted to the Council as Planning Authority.
- e) Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable;
- f) Providing an ecological/landscape and environmental input to the Site Induction of all operatives with updates provided as necessary;
- g) Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans;
- h) Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor;
- i) Throughout the construction phase and within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority and consultees as considered appropriate;
- j) Throughout the construction phase, monthly CEMP liaison group site visit and meetings to be attended by E/L/EnvCoW, contractor representatives, and open invitation to the Planning Authority and consultees as considered appropriate;
- k) Upon completion of construction elements, the E/L/EnvCoW can thereafter reduce visits to bi-annual (spring and autumn) to inform the AMP and assess ongoing development impact up to a period of 5 years post completion;
- l) Upon completion of construction elements, the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders;
- m) Monitor implementation of the Habitats Regulations Assessment (HRA) (plan 19/01837/76) to be undertaken and followed throughout the construction period for the affected areas of the development.

The above shall be adhered to throughout the construction and aftercare monitoring phases of the development hereby approved.  
Reason: In the interest of protecting environmental quality and of biodiversity. 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.

5. A minimum of 2 months prior to the commencement of the development a detailed Operation Noise Mitigation Plan (ONMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate by the Planning Authority. The terms of reference for the ONMP shall be agreed in advance of its submission. The ONMP must demonstrate how the noise levels generated by the scheme will or could be reduced at sensitive receptors. The threshold for consideration for mitigation shall be based on receptors that will experience daytime noise levels in excess of 55dBLAeq 16hrs and/or are predicted to have a 3dB(A) increase in noise as a result of the scheme. Where applicable, the mitigation strategy shall include the measures that are intended or could (within the applicants' control) be introduced at the affected receptor locations. The approved mitigation measures shall be implemented in accordance with the approved ONMP.

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

6. Prior to the commencement of development hereby approved, the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation shall be secured, submitted and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the agreed programme of archaeological works shall be fully implemented, including all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site. In addition, access shall be afforded at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative, including observing work in progress.

Reason: To ensure sites of archaeological interest are properly protected and recorded as appropriate.

7. Prior to the commencement of development hereby approved, full details of all changes in ground levels, laying of foundations/piling works, and operation of mechanical plant within an agreed proximity to the rail line must be submitted to, and agreed in writing by the Council as Planning Authority, in consultation with Network Rail's Asset Protection Engineer.

Reason: In ensuring no adverse impact to Network Rail assets and its associated ongoing operations.

8. Prior to the commencement of development hereby approved, a Soil Management Plan 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.

- 9.** 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 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.

- 10.** In addition to Condition 1, an updated survey for freshwater pearl mussels should be undertaken ahead of any construction elements of the development within or adjacent to the River Tay SAC and submitted to the Council as Planning Authority for approval, in consultation with Nature Scot. Any follow up post-construction surveys required by the Planning Authority will thereafter be undertaken within an agreed timeframe and submitted for review in consultation with Nature Scot.

**Reason:** In the best interests of habitat and well-being of protected wildlife.

- 11.** 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 Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of any landscaped areas, full details of all landscaping proposals including species (native where possible), height, size and density of hedging, trees (including all woodland planting species) and shrubs to be planted. The detailed landscaping and planting plan will be expected to clearly demonstrate how connectivity between woodlands and hedgerow has been considered to ensure biodiversity benefit is delivered. In addition, a detailed drawing and cross section of the proposed active travel/shared route element shall form part of the detailed landscaping plan requirements.

The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) following completion of any agreed phase of the development. 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:** In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and secure enhanced biodiversity opportunities.

- 12.** In association with Condition 11, a detailed site investigation of the affected Ancient Woodland Inventory (AWI) shall be undertaken with findings and recommendations submitted for written approval by the Council as Planning Authority, in consultation with Nature Scot, prior to any soil clearance or disturbance and shall include:

- a) a review of optimal areas for topsoil translocation in accordance with best practice;
- b) details of any areas of existing ancient woodland that are to be enhanced as a compensatory measure;

- c) identification of any potential non AWI woodland where enhancement management as a compensatory measure is proposed.

Thereafter any agreed actions of the AWI investigation shall be undertaken in full, prior to the operation of the development.

Reason: To clarify the evidence of any remaining AWI characteristics on the affected areas and ensure evidenced characteristics are not adversely compromised as a result of any proposed physical development elements, including through suitable mitigation and compensatory measures.

13. In association with Conditions 11 and 12, prior to the commencement of development, within agreed locations of compensatory woodland planting and where Ancient Woodland Inventory (AWI) soil relocation is not viable or sufficient (in biodiversity characteristics), details of supplementary site-specific seed mixes (including volumes) of local provenance shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Nature Scot . Thereafter any compensatory seed mix schemes as agreed will be implemented at the earliest opportunity and prior to the operation of the development.  
Reason: To ensure the satisfactory compensatory planting and mitigation measures are secured and delivered and in the interests of securing enhanced biodiversity outcomes.
14. Construction work 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 unless by prior agreement. Any proposal for out of hours work must provide two weeks prior notice and must be accompanied with details of the works, justification and copies of notification of nearby sensitive receptors.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
15. In association with Conditions 1 and 4 and for the avoidance of doubt; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.  
Reason: In the best interests of habitat and well-being of protected wildlife.
16. Prior to the commencement of development hereby approved, details of the location and specification of the red squirrel and pine marten boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the red squirrel and pine marten boxes shall be installed in accordance with the agreed details prior to the completion of this project.  
Reason: In the interests of protecting environmental quality and of biodiversity.
17. Prior to the commencement of development hereby approved, a physical structure review and bird box opportunity plan shall be submitted for the further written agreement of the Council as Planning Authority, in consultation with RSPB. The review shall set out practical opportunities for provision of bird boxes on physical structures. Thereafter, any agreed bird box locations and specification shall be

installed in line with the agreed details prior to the completion of this project.

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

18. Prior to the commencement of the development hereby approved, a detailed Monitoring and Evaluation Strategy (MES) for the Cross Tay Link Road (CTLR) and connecting roads shall be submitted to and approved by the Council as Planning Authority in consultation with Transport Planning. The scope of the MES shall be agreed in advance; including the location and duration of traffic counters proposed as part of the monitoring and agreed timescales for sharing results from the MES following the completion of development (including a minimum 6 months post road opening results). The results of the MES shall thereafter include any recommendations to mitigate impact as identified.

Reason: In the interests of road safety.

19. In association with Condition 5, upon completion of the development, noise monitoring shall be undertaken by a suitably qualified noise consultant at noise sensitive receptors as set out in the ONMP and approved by the Planning Authority. An addendum to the ONMP shall be submitted within 3 months of the development being brought into use to demonstrate the effectiveness of the ONMP in reducing the effects of road traffic noise generated by the scheme at noise sensitive receptors.

In the event that the mitigation measures are unsuccessful, the post construction ONMP addendum shall review and provide further mitigation works as agreed and a timescale for those works to be undertaken. The agreed addendum will thereafter be implemented in full.  
Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

20. In association with Condition 4, and the requirements of the Aftercare Monitoring Plan (AMP); monitoring of the completed wildlife tower to ascertain the usage by bats and barn owls shall be undertaken in years 1, 3 and 5. Survey methodology should be in line with Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, (Collins, 2006), and guidance from the British Trust for Ornithology.

Reason: In the interests of protecting environmental quality and promoting biodiversity.

21. In association with Condition 4 and the requirements of the Aftercare Monitoring Plan (AMP); monitoring shall be undertaken of the Highfield Green Bridge to ascertain the usage by wildlife in years 1, 3 and 5.

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

#### **Justification**

The proposal is, overall, 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. 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 38 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 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
5. This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.
6. The appointed contractor should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The appointed contractor is advised to contact Scottish Water prior to the commencement of works to clarify and agree the scope and detail of any works which may affect Scottish Water assets.
8. 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.
9. 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.
10. 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 (DMRB).
11. 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. The appointed contractor must contact Network Rail Asset Protection Engineers in relation to Condition 7. It should be noted that where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.  
Contact details:  
Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW  
Tel: 0141 555 4352  
E-mail: [AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)
13. The appointed contractor is advised that all Perth and Kinross Structures Technical Approval and adoption requirements shall be met.
14. The appointed contractor 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.
15. The appointed contractor is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
16. The appointed contractor is advised to consult with Perth & Kinross Council’s Street Lighting Partnership to agree on design, specification and situation of all public lighting in advance of any installations.
17. The appointed contractor is advised to consult directly with the Roads Authority (Transport Scotland and Perth & Kinross Council) in relation to agreeing a Signage Strategy for the completed Cross Tay Link Road (CTLR). It is recommended that the strategy should include all changes to local road network signs, trunk road network signs, tourist signage, non-motorised user (NMU) active travel signage and timing for implementation.
18. The granting of planning permission does not stop the continued right of public access along any existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
19. For the purposes of this planning permission the following provide a definition of terms contained herein:
- Development – All matters pertaining to construction (temporary and permanent), operation and use;
  - Operation – Where any phase or element of the development is brought in to use for the public;
  - Applicant – Roads Infrastructure, Perth and Kinross Council;
  - Stakeholders – Any body, internal or external considered necessary to advise the planning authority. This could include but is not limited to SEPA, Nature Scot, HES, Environmental Health, PKHT,

**Scottish Forestry and Roads Authority (Transport Scotland in the case of trunk roads and Perth and Kinross Council in terms of local roads);**

- **Construction – all matters relative to ground works, civils and structural elements;**
- **Contractor – Is the Principal Contractor as defined within CDM regulations.**

## **Content and Adequacy of the Environmental Impact Assessment**

**The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:**

**The application submitted an EIA Report dated November 2019. The public had the opportunity to participate in the decision-making process through notification of the EIA, undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and in the Perthshire Advertiser.**

**The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.**

**Parts 4 and 5, of the Environmental Impact Assessment (Scotland) Regulations 2017 outlines the information required to be included and processes undertaken in any EIA. The contents and the associated background information pertaining to the EIA Report alongside consultation, publication and notification are considered to fully meet the requirements of those regulations through this planning submission.**

**The EIA Report provides the baseline, the information gathered to consider the likely significant effects on the environment, including cumulative impacts and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The following EIAR chapter headings were covered in relation to the proposal:**

- **Chapter 1 – Introduction**
- **Chapter 2 – Project Description**
- **Chapter 3 – Project Need, Objectives and Alternatives**
- **Chapter 4 – EIA Methodology**
- **Chapter 5 – Consultation and Scoping**
- **Chapter 6 – Air Quality**
- **Chapter 7 – Cultural Heritage**
- **Chapter 8 – Landscape and Visual Impact**

- Chapter 9 – Biodiversity
- Chapter 10 – Hydrogeology and soils
- Chapter 11 – Materials
- Chapter 12 – Noise and Vibration
- Chapter 13 – People and Communities
- Chapter 14 – Agriculture, Forestry and Sporting Interests
- Chapter 15 – Road Drainage and the Water Environment
- Chapter 16 – Climate
- Chapter 17 – Population and Human Health
- Chapter 18 – Residual Effects
- Chapter 19 – Schedule of Mitigation

The Planning Authority is satisfied that the EIA Report complies with Regulation 5 and is therefore suitable for determination of this planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated in EIAR Chapter 19 (plan: 19/01838/59) as well as a regime for further conditional controls and the ongoing monitoring measures for the construction and operation of the road and its associated elements.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions, the proposal is considered acceptable and can be approved.

#### Amendment (Councillors M Williamson and M Barnacle)

Refuse, as the application is contrary to Policies 1A, 1B, 38, 41, 43, 56 and 57 of the Perth and Kinross Local Development Plan 2 (2019), and further that it fails to give due cognisance to the representation received from NHS Tayside.

In accordance with Standing Order 58, a roll call vote was taken.

11 members voted for the Motion as follows:

Councillors Anderson B Brawn, E Drysdale, T Gray, D Illingworth, I James, R McCall, C Reid, R Watters, M Williamson and W Wilson

2 members voted for the Amendment as follows:

Councillors M Barnacle and C Purves

#### **Resolved:**

In accordance with the Motion.