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Council Building
2 High Street
Perth
PH1 5PH

Wednesday, 17 May 2017

A Meeting of the **Development Management Committee** will be held in **the Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 24 May 2017** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email Committee@pkc.gov.uk.

BERNADETTE MALONE
Chief Executive

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Councillor Murray Lyle (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Bob Band
Councillor Michael Barnacle
Councillor Harry Coates
Councillor Eric Drysdale
Councillor Tom Gray
Councillor Ian James
Councillor Anne Jarvis
Councillor Roz McCall
Councillor Richard Watters
Councillor Willie Wilson

Development Management Committee

Wednesday, 24 May 2017

AGENDA

MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE OF 12 APRIL 2017 FOR APPROVAL AND SIGNATURE 5 - 12**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- (1) APPLICATIONS PREVIOUSLY CONSIDERED**
- (i) 12/00546/FLL - CROOK OF DEVON - FORMATION OF FIVE PERMANENT GYPSY/TRAVELLERS PITCHES AT CROOKMOSS, CROOK OF DEVON, KINROSS-SHIRE 13 - 28**
Enforcement Report by Interim Head of Planning (copy herewith 17/184)
- (2) MAJOR APPLICATIONS**
- (i) 16/01935/IPM - SCONE - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL AND EMPLOYMENT (IN PRINCIPLE) ON LAND SOUTH EAST OF HANGER 4, PERTH AIRPORT, SCONE 29 - 60**
Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/185)
- (ii) 16/02127/IPM - SCONE - RESIDENTIAL DEVELOPMENT WITH OPEN SPACE, LANDSCAPING, DRAINAGE AND ASSOCIATED INFRASTRUCTURE (IN PRINCIPLE) SCONE NORTH, SCONE 61 - 212**
Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/186)

- (iii) **17/00198/FLM - PERTH - ERECTION OF SCHOOL, BIOMASS/ENERGY PLANT, FORMATION OF PLAYGROUND AREAS, SPORTS PITCHES, LANDSCAPING, CAR PARKING, VEHICULAR ACCESSES AND ASSOCIATED WORKS ON LAND AT BERTHA PARK, PERTH** **213 - 244**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/187)

(3) LOCAL APPLICATIONS

- (i) **17/00395/FLL - PERTH - ERECTION OF A DWELLINGHOUSE AND RELOCATION OF PUBLIC FOOTPATH, SITE WEST OF 63 NEEDLESS ROAD, PERTH** **245 - 264**

Report of Handling by Interim Head of Planning (recommendation - approve) (copy herewith 17/188)

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DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Development Management Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Wednesday 12 April 2017 at 10.00am.

Present: Councillors T Gray (Convener), B Band (Vice-Convener), H Anderson, M Barnacle, D Cuthbert, A Gaunt, J Giacomazzi, C Gillies, J Kellas, A Livingstone, M Lyle, M Roberts (substituting for I Campbell) and G Walker.

In Attendance: N Brian, A Condliffe, T Maric, D Niven, L Reid, A Rennie, J Russell and C Stewart (all The Environment Service); G Fogg and H Rheinallt (both Corporate and Democratic Services).

Apology: Councillor I Campbell.

Councillor T Gray, Convener, Presiding.

207. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and an apology was noted as above.

In terms of Standing Order 13, the Committee agreed that the meeting be recorded for use as part of the elected member development programme after the elections in May 2017.

208. VALEDICTORY

This being the last meeting of the Committee before the Local Government Elections on 4 May 2017, the Convener thanked members for their contribution to the work of the Committee over the previous five years and expressed his appreciation to officers for the support and advice provided during his term of office as Convener.

209. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

210. MINUTES

(i) Minute of Previous Meeting

The minute of meeting of the Development Management Committee of 15 March 2017 (Arts. 162-166) was submitted, approved as a correct record and authorised for signature.

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DEVELOPMENT MANAGEMENT COMMITTEE
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- (ii) **15/01512/FLM - Kinross – Erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works on land north west of Lathro Farm, Kinross – Persimmon Homes Ltd (Art.16/629(2)(i) refers)**

The Committee noted that with regards to an updated informative 1 agreed for planning application 15/01512/FLM, the 10 year period was introduced in error and should be 3 years. This will be amended and the correct period of time will be reflected in the decision notice.

211. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications, which deputations had been received timeously:

Planning Application No.	Art. No.
15/01484/FLM	212(1)(i)
17/00243/FLL	212(2)(i)

The Convener then asked the Committee if they were minded to hear a deputation with regards to planning application 17/00243/FLL, which deputation request had been received after the deadline. The Committee unanimously agreed to allow this deputation to be heard.

212. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **15/01484/FLM – BRACO – Erection of 9 turbines, access and associated works at Strathallan Wind Farm, Land North East of Greenacres, Braco – Mr B Walker**

Mr B Thomson, on behalf of Braco and Greenloaning Community Council, objector to the application, Mr S McDonald, objector to the application, followed by Mr G Donnachie, agent for the applicant, addressed the Committee and, following their respective representations, withdrew to the public benches.

Resolved:

Refused, for the following reasons:

1. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable adverse landscape impacts, including cumulative landscape impacts having regard to landscape character and setting within the immediate landscape and wider landscape character types contrary to Policy 3 and Policy 6 of TAYplan and Policies ER1A,

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and ER6 of the Perth and Kinross Local Development Plan 2014.

2. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts having regard on residential, recreational and tourist receptors contrary to Policy 6 of TAYplan and Policies ER1A and ER6 of the Perth and Kinross Local Development Plan 2014.
3. The proposal by virtue of the location, dominance, scale and layout of the proposed wind farm would result in unacceptable visual impacts, including cumulative visual impacts on The River Earn Comrie to St Fillans National Scenic Area, contrary to Policy NE1B of the Perth and Kinross Local Development Plan 2014.
4. The development does not contribute positively, to the quality of the surrounding built and natural environment as the design, density and siting of the development does not respect the character and amenity of Western Perthshire, contrary to Policy PM1A of the Perth and Kinross Development Local Development Plan 2014.
5. The development compromises the setting of scheduled ancient monument, *Ardoch, military complex 900m NNE of Ardoch Bridge, (Scheduled Monument, Index no. 1601)* contrary to Policy HE1A of Perth and Kinross Local Development Plan 2014.
6. The development compromises the setting of Gardens and Designed Landscapes, Braco Castle, Drummond Castle and Abercairney contrary to Policy HE4 of Perth and Kinross Local Development Plan 2014.

Justification

The proposal is not considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

(2) Local Applications

- (i) 17/00243/FLL – LUNCARTY – Alterations and extension to Balhousie Luncarty Care Home, Sandeman Place, Luncarty – Balhousie Care Group**

Mr G Powrie, objector to the application, followed by Mr S Wilson, agent for the applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Councillor Kellas moved a Motion that planning permission be refused on the grounds that: (i) the scale and massing of the

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proposal would constitute excessive overshadowing to neighbouring properties at Yew Gardens and Sandeman Place; and (ii) the location of the fuel and refuse storage provision would impact on the visual setting of the listed building and the visual amenity of the area.

Having failed to find a Secunder, Councillor Kellas' Motion fell.

Resolved:

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

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.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. 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.
4. The safer routes to school footpath located to the west of the site shall not be obstructed during site construction works or on completion of the development all to the satisfaction of the Planning Authority.
5. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the further written agreement of the Council as Planning Authority. None of the new residential rooms in the extension hereby approved shall be occupied until the agreed scheme has been provided in full.
6. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation of the fuel tanks shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place

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

7. 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 25 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.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This is approval of your application Ref no (17/00243/FLL) for planning permission only. It does not include any approval for your related Listed Building Consent Ref no (17/00244/LBC) you should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should

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ensure adequate measures are provided on site to allow for the collection of waste.

- (ii) **17/00244/LBC – LUNCARTY – Alterations and extension to Balhousie Luncarty Care Home, Sandeman Place, Luncarty – Balhousie Care Group**

Resolved:

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

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.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
3. Precautions shall be taken to secure and protect the interior features of Luncarty House against accidental loss or damage, or theft during the building work. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with prior approval in writing of the Council. Particular regard should be given to the existing chimneypieces, door sets and ornamental mouldings.
4. All new partitions shall be scribed around the existing ornamental mouldings all to the reasonable satisfaction of the Planning Authority.
5. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Justification

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

Informatives

1. This listed building consent will last only for three years from the date of this decision notice, unless the development has been started within that period (see

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section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No work shall be commenced until an application for building warrant has been submitted and approved.
3. This is approval of your application Ref no (17/00244/LBC) for Listed Building Consent only. It does not include any approval for your related planning permission Ref no (17/00243/FLL). No work should commence until planning permission is granted.

(3) Proposal of Application Notice (PAN)

- (i) 17/00002/PAN – MILNATHORT – Erection of holiday park, visitor centre (ancillary café/restaurant with commercial space), with supporting recreational infrastructure at Land West of Tarnhill, Milnathort – Report 17/140**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: (1) the use of the Council's own traffic model to assess the cumulative impacts of the proposal and other developments in the area; (2) the potential positive and negative effects of the proposal on trade in the local area; (3) prevention of the site becoming brownfield land and subsequently used for housing; (4) an assessment of the demand for chalets; (5) public transport from the main towns to the major tourist centre as part of the proposal; (6) the status of Loch Leven and the policies regarding its protection; (7) the chalets be used for temporary, tourist residence only.

- (ii) 17/00003/PAN – INCHTURE – Residential development at LDP Site H24, Land South West of Moncur Farm, Moncur Road, Inchture – Report 17/141**

Members requested that, in addition to the issues identified by the Interim Head of Planning's report, the following be addressed in the planning application: (1) the retention of the boundary stone wall to the south of the site; (2) drainage at the site.

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Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Enforcement Report by Interim Head of Planning

Formation of five permanent gypsy/travellers pitches at Crookmoss, Crook of Devon,  
Kinross-shire

Ref. No: 12/00546/FLL  
Ward No: 8 – Kinross-shire

**Summary**

Enforcement update on alleged Breach of Conditions 9, 10, 11, 12, 13 and 14 for the formation of 5 gypsy/travellers pitches.

**BACKGROUND AND DESCRIPTION**

- 1 This application was previously considered by this Committee at its meetings on 16 September 2015, 13 January 2016 and 11 May 2016 in respect of an update on the enforcement position in relation to conditions attached to the permission. It was remitted to report back to this committee after a further 12 month period. Development Management Committee report of 11 May 2016 is appended to this report for ease of reference (Appendix 1).
- 2 Members, in requesting a further update were concerned over the conditions relating to the following areas:
  - (i) Noise (Conditions 12 and 13)
  - (ii) Drainage (Conditions 14 and 16)
  - (iii) Water supply (Conditions 10 and 11)
  - (iv) Access (Conditions 3, 4 and 5)
  - (v) Landscaping (Condition 15)
- 3 Appended to this report is a copy of the decision notice ref 12/00546/FLL (Appendix 2).
- 4 All other issues in relation to the application and conditions remain the same.

**CONSULTATIONS**

- 5 Further consultations and discussions have taken place with the Scottish Water, Scottish Environment Protection Agency (SEPA) and the Council's Environmental Health.

**REPRESENTATIONS**

- 6 As no re-notification has been required to be carried out at this stage there have been no further representations received during the 12 months period. All representations associated with the original application are as detailed in the original Committee Report.

## **APPRAISAL**

### **Noise**

- 7 No further complaints have been received from neighbouring residential properties. With regards to the siting of the electricity generators, all the occupied pitches now have acoustic housing units for their respective generators. The alternative solution of a mains electricity supply, while being prohibitively expensive, is currently being pursued by the residents with assistance from Perth and Kinross Council. Conditions 12 and 13 are currently in compliance.

### **Drainage**

- 8 Scottish Water were contacted in respect of the likelihood of a mains sewer connection being available to serve the 5 pitches. A flow and load survey has been completed by Scottish Water which revealed current infrastructure is being overwhelmed by surface water infiltration which must be resolved. Scottish Water's 5 Growth Criteria was initiated by the occupants seeking resolution to the restriction on Drum Wastewater Treatment Works. Scottish Water has since lifted the embargo on 'new connections' and the residents have completed the Technical Approval process required by Scottish Water and as such a foul connection should be forthcoming.

### **Water supply**

- 9 Mains water supply will be forthcoming at a time when foul treatment is in place. In line with paragraph 7 this is being currently costed by the residents with a view to connection to the mains. The occupants are using bottled water for consumption with a single private water supply for washing.

### **Access**

- 10 We are satisfied Conditions 3 and 4 have been implemented.

### **Landscaping**

- 11 Landscaping for the wider site is complete. This relates principally to the perimeter planting, which is more of a priority for the external appearance of the site. Individual pitch landscaping is also underway where pitches are occupied. Site landscaping is being monitored to ensure that it is maintained to satisfy condition 15.

## **ADDITIONAL INFORMATION**

### **Paddock**

- 12 The Planning Application submitted for the area of ground between the consented pitches and the road frontage under ref; 15/02078/FLL for change of use from paddock to form 3 gypsy/traveller pitches and erection of a fence (in retrospect) was refused on 9 March 2016. The applicant did not appeal the planning decision and the enforcement notice remains in place. The paddock area has once again changed hands and a meeting is being sought with the new owner to discuss intentions going forward.
- 13 Concerns have been raised with regard to general tidiness and litter in and around the site. This is not a planning matter but I have asked our enforcement officer to raise this with the residents to ensure appropriate waste facilities are in place.

## **CONCLUSION AND RECOMMENDATION**

- 13 Key areas of concern in relation to compliance with the conditions attached to the permission have progressed and we are now moving towards resolution of the outstanding matters.
- 14 It is recommended that a closing report be submitted to committee once all planning matters have been resolved.

Background papers: None  
Contact Officer: Eddie Jordan – Ext 75341  
Date: 5 May 2017

**NICK BRIAN**  
**INTERIM HEAD OF PLANNING**

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Perth and Kinross Council  
Development Management Committee – 11 May 2016  
Enforcement Report by Development Quality Manager

Formation of five permanent gypsy/travellers pitches at Crookmoss, Crook of Devon,  
 Kinross-shire

Ref. No: 12/00546/FLL  
 Ward No: 8 – Kinross-shire

**Summary**

Enforcement update on alleged Breach of Conditions 9, 10, 11, 12, 13 and 14 for the formation of 5 gypsy/travellers pitches

**BACKGROUND AND DESCRIPTION**

- 1 This permission was previously considered by this Committee at its meetings on 16 September 2015 and 13 January 2016 in respect of an update on the enforcement position in relation to conditions attached to the consent and it was remitted to report back again to this Committee at this meeting. The previous Committee reports together with a copy of the planning consent notice, setting out the full terms of the conditions, are attached to this report.
- 2 Members, in requesting a further update were concerned over the conditions relating to the following areas:
  - Noise
  - Drainage
  - Water supply
  - Access
  - Landscaping
- 3 All other issues in relation to the permission and conditions remain the same.

**CONSULTATIONS**

- 4 Further discussions have taken place with the Scottish Water and the Council's Environmental Health Officer.

**REPRESENTATIONS**

- 5 There have been no further representations received as a result of the further review period. All representations associated with the original application are as detailed in the original Committee Report.

## **APPRAISAL**

### **Noise**

- 6 No further complaints have been received from neighbouring residential properties. With regards to the siting of the electricity generators, all the occupied pitches now have acoustic housing units for their respective generators. The alternative solution of a mains electricity supply is prohibitively expensive and as such, the occupants have decided to focus their resources, at this time, on other matters. Conditions 12 and 13 are currently in compliance.

### **Drainage**

- 7 Following the September and January Committees, Scottish Water were contacted in respect of the likelihood of a mains sewer connection being available to serve the 5 pitches. In terms of an interim connection to the public sewer, the subject of a flow and load survey, has been assessed by Scottish Water. At this time there is no opportunity for an interim connection. Scottish Water infrastructure is being overwhelmed by surface water infiltration which must be resolved prior to further connections being offered. No specific time has been given for resolving surface water ingress and therefore we have been advised that the occupants should seek resolution to Scottish Water's '5 Growth Criteria'.

### **Water supply**

- 8 Mains water supply will be forthcoming at a time when foul treatment is in place. The occupants are using bottled water with a single private water supply.

### **Access**

- 9 The access has been completed and as such, conditions 3 and 4 could be discharged.

### **Landscaping**

- 10 Landscaping for the wider site is complete. This relates principally to the perimeter planting, which is more of a priority for the external appearance of the site. Individual pitch landscaping is also underway where pitches are occupied. Site landscaping is being monitored to ensure that it is maintained to satisfy condition 15.

## **ADDITIONAL INFORMATION**

### **Paddock**

- 11 The Planning Application submitted for the area of ground between the consented pitches and the road frontage under ref; 15/02078/FLL for change of use from paddock to form 3 gypsy/traveller pitches and erection of a fence (in retrospect) was refused on 9 March 2016. The applicant has 3 months from the date of decision for appeal therefore our position on enforcement is held in abeyance until the end of this period.

### **Alleged Pitch 6**

- 12 As a result of the planning application mentioned at para 11, a 'Pitch 6' had been neighbour notified. Pitch 6 should not have been neighbour notified as an address for this pitch does not exist on the Council's address gazetteer. Further investigation has revealed a Council Tax assessment carried out in 2012 considered there to be 6 pitches rather than 5. Generally, previous experiences relating to neighbour notification has meant that the Planning Authority take a cautious approach to neighbour notification to ensure all affected residents are notified. Pitch 6 does not exist now and has never existed.

## **CONCLUSION AND RECOMMENDATION**

- 13 Whilst significant progress in key areas of concern in relation to compliance with the conditions attached to the consent has been made, the issue of drainage remains to be resolved. I am aware that Committee will be concerned about the current position and that the timescales for drainage compliance could be extended significantly. However, I am of the view that further enforcement action would not be appropriate in respect of conditions regarding drainage. As we have served formal notices under Section 145 of the Act the development will not become lawful through passage of time. My recommendation is that the action we have taken to date is sufficient and no further enforcement action is necessary.
- 14 An Enforcement Notice in these circumstances would not, in my opinion, be appropriate use of our enforcement powers. An Enforcement Notice could not be used to secure delivery of drainage infrastructure and as such there would be no positive outcome to be gained from service. An Enforcement Notice could be used, as has been suggested, to clear the site and return it to its former use. To be able to do that, though, we would be required to demonstrate 'planning harm' in relation to a notice which achieves this outcome. As described in the paragraphs above, there is no injury to residential or visual amenity, roads matters have been addressed and SEPA have again confirmed that there are no environmental concerns with the site. Therefore, 'planning harm' is not demonstrated in relation to this development and as such an Enforcement Notice would be unlikely to succeed.

- 15 Key considerations by a Reporter, if dealing with an Enforcement Notice appeal, would be: firstly, as stated above, has planning harm resulted, and, secondly, have all possible options been explored to resolve the issue I am of the view that the option to deliver mains drainage has not been fully exhausted as an option and still remains open.
- 16 I appreciate that Members could reasonably require an update to our position after a given period. However, given the circumstances set out in this Report I consider that it is not necessary for future reports to be referred back to this Committee. To this end, I would recommend that future updates be directed to the affected Local Members and Convenor in separate, regular meetings in the future until matters have been resolved.
- 17 In conclusion therefore it is recommended that the option of connection to the mains drainage continues to be pursued with the applicants and Scottish Water and that progress on this be reported back directly to the affected Local Members and Convenor.

Background papers: None  
Contact Officer: Eddie Jordan – Ext 75341  
Date: 28 April 2016

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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## PERTH AND KINROSS COUNCIL

Messers James Johnstone And Mathew MacDonald  
Mr Forbes Rowan-Spencer Marr  
Architect And Town Planning Consultant  
16 Craiglockart Road  
Edinburgh  
EH14 1HL

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 10 October 2013

Town and Country Planning (Scotland) Acts.

Application Number **12/00546/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 27th March 2012 for planning permission for Formation of five permanent gypsy/traveller pitches (partly in retrospect) Land 300 Metres South East Of Fossoway Garage Fossoway subject to the undernoted conditions.

Development Quality Manager

### **Conditions Referred to Above**

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to any further work taking place on the site and within 2 months of the date of this planning consent, the applicant shall submit details of a suitable SUDS scheme, to be implemented alongside the foul drainage infrastructure, all for the approval of the Planning Authority.
3. Within 2 months of the date of this planning consent the vehicular access shall be formed and permanently maintained in accordance with specification Type C, Fig 5.7 access detail to the satisfaction of the Planning Authority.
4. Within 2 months of the date of this planning consent the access shall be provided with a bitumenously bound surface and maintained as so to the satisfaction of the Planning Authority
5. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.

6. Within 2 months of the date of this consent turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear and shall be permanently maintained so to the satisfaction of this council as planning authority.
7. Within 2 months of the date of this consent a minimum of 2 No. car parking spaces per pitch shall be provided within the site and shall be permanently maintained so to the satisfaction of this council as planning authority.
8. The area of land directly adjacent and to the north of the application site which is within the applicants' ownership and indicated as a paddock area, shall remain as such and shall not be used for any other purpose unless otherwise agreed in writing with the Planning Authority.
9. The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and/or odour, therefrom, are not perceptible in any nearby domestic property.
10. A water supply complying with the appropriate British Standard and in accordance with Scottish Water Byelaws currently in force, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided on the site as soon as practicable. Water supply to caravans shall be supplied through pipes not less than 12.5mm in diameter and approved by the Planning Authority.
11. With regard to the residential caravans, a supply of pure and wholesome water complying with the Water Supply (Water Quality) Regulations 2000, or where applicable the Private Water Supply (Scotland) Regulations 2006, shall be provided and shall be connected to all washing and sanitary facilities within the residential caravans as soon as is practicable to the satisfaction of the Planning Authority. Adequate precautions shall be taken (or cause to be taken) to protect all service water pipes between the connection to the water main and fittings within the caravans, all to the satisfaction of the Planning Authority.
12. All plant or equipment associated with operation of the site 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 premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
13. Each of the five gypsy/traveller pitches should have in place a suitably enclosed and acoustically insulated fixed housing unit in which to install any generator brought onto site to the satisfaction of the Planning Authority. This should be installed within 3 months of the date of this consent unless otherwise agreed in writing with the Planning Authority.
14. The private waste water treatment plant and surface water discharge proposals shall be carried out in accordance with Resource & Environmental Consultants Ltd Drainage Assessment dated May 2013 and carried out within the timescale indicated under condition 16 of this consent, that is only after the foul drainage infrastructure has been installed at Harelaw Farm, all to the satisfaction of the Planning Authority.
15. The landscaping proposals including tree and hedge planting shall be implemented within 6 months of the date of this consent or within the first planting season and thereafter maintained to the satisfaction of the Planning Authority.

16. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation as outlined in the Drainage Assessment attached to this consent carried out by REC and dated May 2013 and confirmed by SEPA and SNH as satisfactory shall be installed at Harelaw Farm prior to the foul drainage infrastructure becoming operational at the development site and within 3 months of the date of this consent. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained thereafter all to the reasonable satisfaction of the Planning Authority.
17. Prior to the drainage infrastructure becoming fully operational at the development site the applicant shall submit to the Planning Authority an approved CAR licence under the Water Environmental (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project and that the Planning Authority has confirmed receipt of this licence in writing.

### **Reasons for Conditions**

1. To ensure that the development is carried out in accordance with the plans approved.
2. In the interests of environmental quality and surface water mitigation
- 3-7. In the interests of traffic and pedestrian safety.
8. In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 9-12. In the interests of residential amenity.
13. In the interests of environmental quality.
- 14-15. In the interests of environmental quality and visual amenity.
16. To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with the Kinross Area Local Plan 2004 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.
17. To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with the Kinross Area Local Plan 2004 and Enterprise and Infrastructure Committee Resolution of 28 August 2013

### **Justification**

The proposal is considered to comply with the Development Plan and there are material considerations available which add weight to a recommendation of approval.

### **Notes**

- 1 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.

- 2 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 2008. 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 :
  - o Displayed in a prominent place at or in the vicinity of the site of the development
  - o Readily visible to the public
  - o Printed on durable material
- 3 The application site will require a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960.
- 4 A Building Warrant will be required for this proposal.
- 5 The applicant is advised that in terms of Sections 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 Environmental Protection Agency.

**The plans relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan Reference**

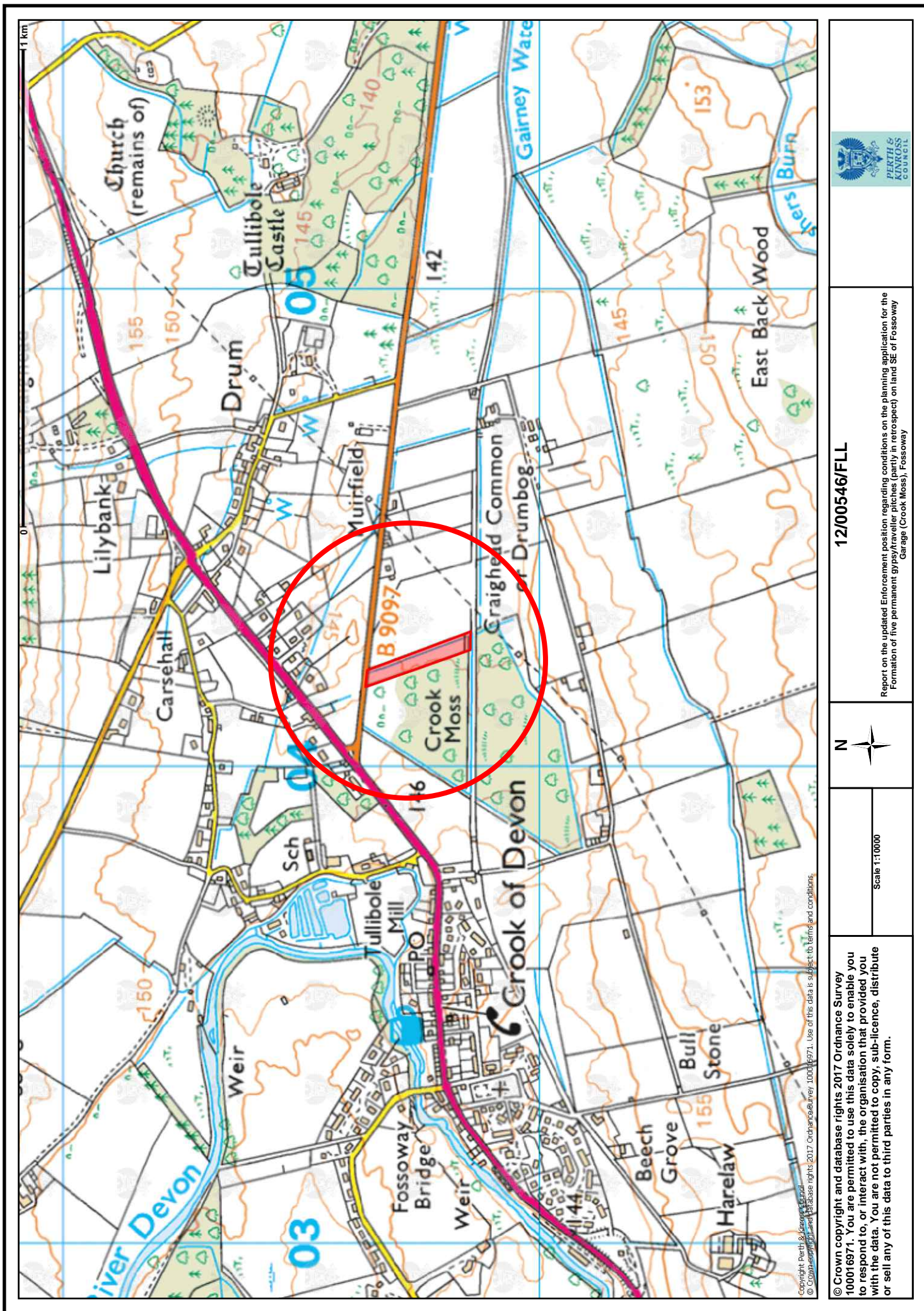
**12/00546/1**

**12/00546/2**

**12/00546/3**

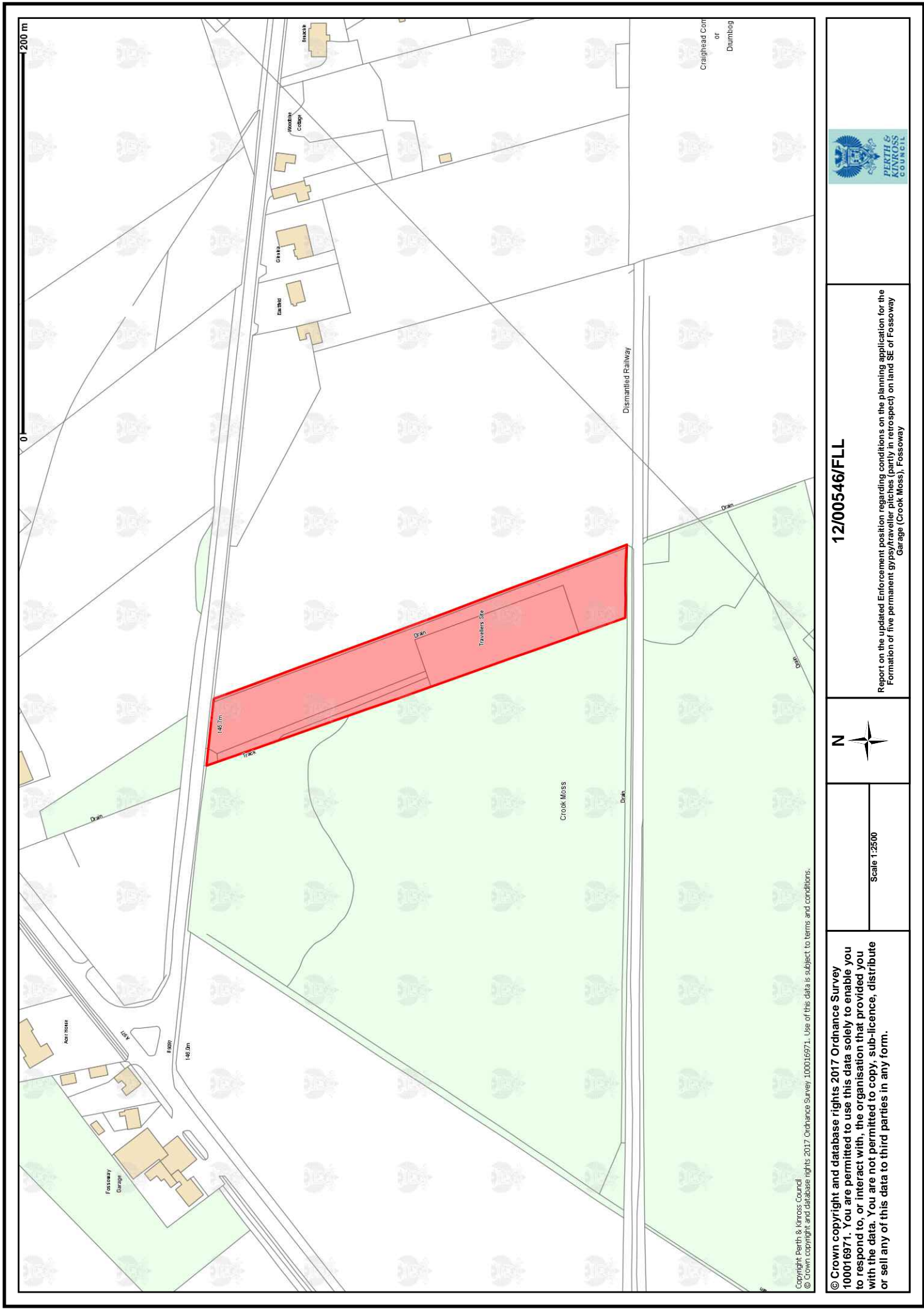
**12/00546/4**











12/00546/FLL

Report on the updated Enforcement position regarding conditions on the planning application for the Formation of five permanent gypsy/traveller pitches (party in retrospect) on land SE of Fossoway Garage (Crook Moss), Fossoway



Scale 1:2500

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Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Report of Handling by Interim Head of Planning

Mixed use (residential and employment) development at Perth Airport, Scone.

Ref. No: 16/01935/IPM  
Ward No: N2 - Strathmore

**Summary**

This report recommends approval of the in principle application to formally establish the principal of a mixed use (residential and employment) development at land immediately adjacent to Perth Airport, Scone. The development is considered to primarily comply with the current Development Plan but, subject to a condition restricting the residential element until after the proposed Cross Tay Link Road is a committed project.

**BACKGROUND AND PROPOSAL**

- 1 The site extends to over 5.2 Ha and is located on the eastern boundary of Perth Airport some 3.5 miles north east of Perth and half-way between the settlements of Scone and Balbeggie. The site itself is fairly flat agricultural land with a few trees and hedgerows. The northern boundary is defined by the runway associated with the airport. Immediately west of the site are dwellings, buildings and businesses contained within the boundary of Perth Airport. To the east, the site is bounded by agricultural land. The site fronts onto the A94 and beyond this to the south is agricultural land. Vehicular access to the site is currently taken off the A94 and an adopted core path passes along the southern side along the boundary of the site.
- 2 The entire application site is located within the identified boundary of Perth Airport and is allocated (MU3) in the Perth and Kinross Local Development Plan 2014 (LDP) for mixed use development (residential and employment). The LDP identifies an indicative number of dwellings of 50 units and that the employment use must take up at least 50% of the site.
- 3 The proposed development is as per the LDP requirements and is therefore seeking 'In Principle' permission for general employment use for 50 dwellings and general employment use. The exact scale and mix relating to the above will be arrived at through the production and submission of further detailed planning applications with associated supporting information.

**ENVIRONMENTAL IMPACT ASSESSMENT**

- 4 Due to the scale of the proposal it required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (16/00857/SCRN) was submitted in May 2016 and the opinion given found that an EIA is not required in this instance.

- 5 The planning application has been accompanied by a supporting Planning Statement, Transport Assessment, Flood Risk and Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Sustainability Checklist.

## **PRE-APPLICATION PROCESS**

- 6 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 16/00007/PAN and 16/00010/PAN) outlined a public exhibition was held locally on 28 July 2016. The Ward Councillors for the area (Cllrs Alan Grant; Dennis Melloy; Ian Miller and Lewis Simpson) have been consulted as well as Scone and District Community Council and Burrelton and District Community Council.

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 8 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for Development Plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **The Scottish Planning Policy 2014**

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Supporting Business and Employment: paragraphs 92 - 108
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Designing Places 2001**

- 11 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

- 12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

- 13 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 14 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"*

- 15 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

**Policy 1: Locational Priorities**

- 16 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area which includes Perth Airport is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and add to the region's economy.

**Policy 2: Shaping Better Quality Places**

- 17 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

**Policy 3: Managing TAYplan's Assets**

- 18 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

**Policy 5: Housing**

- 19 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing Market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

**Perth and Kinross Local Development Plan 2014**

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The LDP sets out a vision statement for the area and states that:  
*"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."*
- 22 The application site is located within the identified boundary of Perth Airport and is allocated (MU3) for mixed use development for 50 dwellings and employment use on at least 50% of the site. The principal relevant policies are in summary:

### **PM1A – Placemaking**

- 23 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Policy PM1B – Placemaking**

- 24 All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

- 25 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy PM4 – Settlement Boundaries**

- 26 Where a settlement has a defined settlement boundary, development will not be permitted outside of that boundary.

### **Policy ED1 – Employment and Mixed Use Areas**

- 27 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy RD1 – Residential areas**

- 28 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

- 29 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 30 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

### **Policy TA1B- Transport Standards**

- 31 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF1B - Open Space Retention and Provision**

- 32 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

- 33 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy CF3 - Social and Community Facilities**

- 34 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit would be provided.

### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 35 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 36 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy NE3 - Biodiversity**

- 37 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### **Policy NE4 - Green Infrastructure**

- 38 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

#### **Policy ER6 - Managing Future Landscape Change**

- 39 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### **Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction**

- 40 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

#### **Policy EP2 – New Development and Flooding**

- 41 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

#### **Policy EP3A - Water, Environment and Drainage**

- 42 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

#### **Policy EP3B - Water, Environment and Drainage**

- 43 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### **Policy EP3C - Water, Environment and Drainage**

- 44 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP3D - Water, Environment and Drainage**

- 45 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP5 – Nuisance from Artificial light and Light Pollution**

- 46 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 47 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **EP11: Air Quality Management Areas**

- 48 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

### **Policy EP12 - Contaminated Land**

- 49 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Policy EP13 – Airfield Safeguarding**

- 50 Developments will be refused if they are likely to have an impact on the safe operation of aircraft from the listed airfields.

### **OTHER POLICIES**

- 51 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Green Infrastructure Supplementary Guidance November 2014
  - Airfield Safeguarding Supplementary Guidance December 2011



## **Perth & Kinross Community Plan (2006 – 2020)**

- 52 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

## **Perth & Kinross Corporate Plan 2013-2018**

- 53 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **Perth and Kinross Local Transport Strategy**

- 54 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

## **The Perth City Plan 2015 – 2035**

- 55 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

## **Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016**

- 56 The report focuses on the proposed preferred route for Phase 2 of the Perth's Transport Future project which consists of a new link road from west of the A9 crossing the River Tay and linking with the A93 and A94. The report also provides detail on current costs and funding issues and other related matters in taking the project forward.

## **PLANNING SITE HISTORY**

- 57 **16/00857/SCRN** EIA Screening Request submitted May 2016. No EIA Required.

## **CONSULTATIONS**

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

## **EXTERNAL**

### **Scottish Environmental Protection Agency (SEPA)**

- 59 Following the submission of further drainage details an initial objection to the proposal has been removed by SEPA. There remains a requirement for a condition in relation to both foul and surface water drainage to be attached with any permission.

### **Scottish Natural Heritage (SNH)**

- 60 No objection.

### **Scottish Water**

- 61 No response received.

### **Transport Scotland**

- 62 No objection.

### **Scone and District Community Council**

- 63 Object to the proposal due to the embargo in the LDP for housing sites of 10 or more until such time as the Cross Tay Link Road (CTLR) is a committed project. They have also expressed concern at the lack of an EIA submitted with the application and in particular have raised concern about air pollution in Perth.

### **Burrelton and District Community Council**

- 64 No response received.

## **INTERNAL**

### **Environmental Health**

- 65 No objection in principle to the application but recommend a condition is included with any permission to protect residential amenity for future residents.

### **Land Quality Officer (Contaminated Land)**

- 66 The proposed development is immediately adjacent to land that is identified as having a former military use. There is the potential for contaminants associated with this land use to have impacted the proposed development site, potentially affecting its suitability for the proposed use. A condition is recommended to be applied with any approval.

## **Biodiversity Officer**

- 67 The Ecological report highlights the potential for breeding birds and breeding/roosting bats to be present. Further investigation of these features will be required as part of any future detailed planning application prior to commencement of any development.
- 68 The indicative landscape proposals suggest there will be a greater diversity of habitats than exists at present, which will enhance biodiversity.

## **Strategic Planning and Policy**

- 69 This proposal is sited on greenfield land and is allocated for 50 residential units and employment use. The embargo on residential use is clear that the Council should not allow any consents for sites of 10 or more houses until the CTLR is a committed project. In order for the site to meet the development requirements, it would be necessary for the employment land to be delivered prior to the housing site coming forward. This would also ensure that, in terms of timing, the development of residential units would not be undertaken until the CTLR is a committed project and housing development embargo has been lifted from the area.

## **Developer Negotiations Officer**

### Affordable Housing

- 70 The application proposes more than 5 dwelling houses, which would mean that the Affordable Housing Policy would apply. A condition to reflect this should be attached to any planning application granted.

### Primary Education

- 71 This proposal is within the catchments of both Robert Douglas Memorial Primary School and Balbeggie Primary School. A condition to reflect this should be attached to any planning application granted.

### Transport Infrastructure

- 72 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

## **Community Greenspace including Access**

- 73 No objection.

## **Transport Planning**

- 74 No objection. The applicant has modelled the proposal and has shown that the network can cope with proposed housing numbers and commercial land. It is however recommended that a negative suspensive condition is applied until the CTLR is a committed project.

## **Structures and Flooding**

- 75 No objection

## **Economic Development**

- 76 Development will have a considerable positive economic impact. It will take time to reach its maximum potential as units become occupied. A local multiplier effect will be experienced as other suppliers grow to increased local demand or start up to serve the influx of new businesses.

## **REPRESENTATIONS**

- 77 No letters of representation has been received.

## **ADDITIONAL STATEMENTS**

|    |                                                |                                                                              |
|----|------------------------------------------------|------------------------------------------------------------------------------|
| 78 | Environment Statement                          | Screened - Not required                                                      |
|    | Screening Opinion                              | Yes                                                                          |
|    | Environmental Impact Assessment                | Not required                                                                 |
|    | Appropriate Assessment                         | Not required                                                                 |
|    | Design Statement / Design and Access Statement | Submitted                                                                    |
|    | Report on Impact or Potential Impact           | Transport Assessment, Habitat Assessment, Flood Risk and Drainage Assessment |

## **APPRAISAL**

### **Policy Appraisal**

- 79 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 80 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

## Principle

- 81 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Perth Core Area and is specifically listed within the policy as a Tier 1 settlement. TAYplan identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross to meet the projected population. The proposal therefore complies with the objective of this policy.
- 82 The site is allocated (MU3) for mixed use for residential (50 dwellings) and employment uses in the LDP and is also within the boundary of Perth Airport itself. Because of its status in the LDP the general principle of development for mixed use is therefore considered acceptable. The proposal is in line with its allocation with 50% for employment use and indicative number of 50 dwellings for residential. A number of site specific requirements must be met by the developer. They are as follows:
- Development must be compatible with airport uses
  - Water supply and storage requires investigation
  - Enhancement of biodiversity and protection of habitats
  - Links to core paths and rights of way incorporated into the development
  - Improvements to the adjacent footway along the A94
- 83 LDP Policy PM1 requires that all development must contribute positively to the quality of the surrounding built and natural environment.
- 84 In my view, the principle of residential and employment development on this site is acceptable given the nature of the immediately adjacent uses of the airport, employment and residential. The delivery of the residential element will need to be conditioned to ensure it does not happen prior to the CTRLR being a committed project. Proposed Condition 3 will ensure this requirement can be controlled and enforced and be in accordance with *Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) of 14 December 2016*.

## Transport and Access

- 85 The application site includes the entirety of allocation MU3 and also an area of land that allows for this development site to be linked with the existing Airport road network. Following discussion between the applicant and Transport Planning, it has also accepted that a separate access onto the A94 can be provided. The intention for the link with the Airport will now be for pedestrians and cyclists only, although it will be utilised during the construction period for the development.

- 86 The applicant's modelling work has shown that the network can cope with proposed housing numbers and level of commercial land. It is also recommended that a negative suspensive condition is applied until the CTLR is a committed project. As above, proposed Condition 3 will ensure this requirement can be controlled and enforced.
- 87 The applicant will be required at the detailed planning application stage to demonstrate improvements to the adjacent A94 footpath and connection with the core path network. Condition 4 (m and n) will ensure this requirement is delivered.

### **CTLR and Residential Embargo**

- 88 The employment element (50%) of the proposal is not affected by the LDP embargo; which affects housing development of 10 or more dwellings until such time as the CTLR is a 'committed project'. Therefore the principle of employment development, some 50% of the proposed site use, is fully compliant with the LDP.
- 89 The other 50% (residential use) is however constrained by the LDP's Spatial Strategy in that no new housing over 10 units should be consented until the CTLR is a committed project.
- 90 The recent (14 December 2016) Committee Report on Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route focuses on the proposed preferred route for Phase 2 of the CTLR and linking with the A93 and A94. The report also provides greater detail on current costs and funding issues and other related matters in taking the project forward. An updated and clearer definition of when the CTLR Proposal is classified as a 'committed project' is provided at paragraph 1.36. It defines the CTLR as a committed project as the following:

*"..... the CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced"*

- 91 To ensure compliance with the Spatial Strategy and policies of the LDP, it is proposed that, in relation to the housing development, a negative suspensive planning condition is attached to any permission granted prohibiting any residential development until such time as the CTLR is a committed project. This solution also ensures that planning permission is available immediately for the employment element of the proposal to ensure the associated economic benefits can be realised as and when demand requires.
- 92 As the proposal is 'In Principle' we would also not be granting any planning permission at this stage for any development to commence on site. The use of a negative suspensive condition (No.3) will effectively prevent any housing coming forward until the CTLR is a committed project. A Direction under the Planning Act to provide a longer timescale to submit a detailed application for the housing element is considered reasonable.

## **Flood Risk and Drainage**

- 93 The LDP requires that water supply and storage requires investigation. A Flood Risk and Drainage Assessment was submitted in support of the proposal. Following submission of further information by the applicant neither SEPA nor Flood Risk and Structures have any significant issues regarding flooding and drainage (foul and surface water).
- 94 Foul drainage from the proposed development will require to be drained to package treatment plants that will either discharge to a drainage field or through a final treatment arrangement before discharging into the Annaty Burn. The package treatment plant may involve reinforcement of the existing site treatment plant or a new package treatment plant. A detailed assessment to find the best option will be required in respect to site layout, ground conditions, position of discharge point to existing well and SEPA requirements in respect to discharge to the Annaty Burn which is designated under the Urban Waste Water Treatment Directive. Any treatment system must be to adoptable standards and capable of connection to the main drainage network.
- 95 Surface water from the site will require to be treated and attenuated through an appropriate SUDS scheme. The final arrangements of any SUDS scheme will be subject to detailed design and investigations of ground conditions however the topography of any SUDS ponds or basins appears realistic in principle with the site falling north to south and the potential receiving waters being to the south of the development area.

## **Noise and Air Quality**

### Noise

- 96 The application has been supported by a noise impact assessment, which considers noise from the A94 and Perth Airport itself. This is an important assessment because Environmental Health has no powers to deal with noise complaints arising from either of these from future residents.
- 97 Each of these sources has been considered in turn in line with the Technical Advice Note (TAN) of PAN 1/2011. The properties most affected by road noise will be subject to a daytime noise level of 63.5 dB. Ideally the target in garden area of the proposed dwellings should be 55dB; therefore an 8.5dB reduction is required. This is proposed to be achieved by use of an acoustic boundary barrier of 2.6m, which can typically reduce noise by around 10dB.
- 98 Night time noise levels were not taken here but are considered to be 10dB lower than the daytime levels. This is not ideal but has been accepted in the past for assessing night time noise. However for night time, the indoor levels, particularly in the bedrooms are much more important. An external level of 54dB should give internal levels of around 39dBA in bedrooms. Ideally the night time internal level should be 30dB or less. Depending on the layout of the houses they may benefit from the mitigation of the barrier, however if they are at first floor level and overlooking the barrier, they will benefit very little.

Environmental Health recommend that the layout of the houses closest to the A94 be fully considered with respect to noise and reassessed to ensure reasonable night time levels can be achieved in the bedrooms. This issue can be covered at the detailed planning stage.

- 99 Noise from the airport was also considered at the most exposed part of the site. The measured levels were much less than for the road at 40dB and therefore of much less significance. It does not currently operate at night time so there are no sleep disturbance issues as it stands.
- 100 Due to the relatively low daytime noise levels and the fact there are already a number of properties around the airport with no known issues, there are no concerns regarding airport noise. Should use of the airport increase, Environmental Health have clarified they would have no statutory power to deal with such noise issues.
- 101 In conclusion Environmental Health has no objection to the principle of the application, but do recommend certain conditions (No's.12 and 13) be attached to protect the residential amenity of future residents.

#### Air Quality

- 102 The site is outwith the Perth Air Quality Management Area (AQMA) and I note Scone District Community Councils objection on the grounds of adverse impact on the AQMA in particular at Bridgend and Perth City Centre. It is considered that the level of development proposed is quite low in terms of air quality and fundamentally Environmental Health have not raised air quality as an issue nor requested an Air Quality Assessment be submitted with the application.

#### **Contaminated Land**

- 103 The proposed development is immediately adjacent to land that is identified as having a former military use. The Land Quality Officer has commented that there is the potential for contaminants associated with this land use to have impacted the proposed development site, potentially affecting its suitability for the proposed use. In line with both SEPA and Council guidance a condition (No.14) relating to contaminated land is recommended with any planning permission.

#### **Open Space Provision including Access**

- 104 The LDP requires links to the core path and rights of way to be incorporated within the development. The nearest core paths are the footway along the side of the A94 (SCON/123) which links Balbeggie and Scone and SCON/10 which links the A94 with St Martins northwards along the edge of Muirward Wood. This core path links to others within the wood which leads to Scone. Whilst no details are provided at this stage it is considered feasible that the site will be able to connect up with the core path along the A94 or an alternative route just inside the site boundary could be provided.



- 105 The indicative landscape plan shows an area of open space between the new housing area and airport and a play area will be required to be provided within the development as the nearest are in Scone and Balbeggie.
- 106 The proposed tree and hedge species are considered appropriate although it is recommended only low growing shrubs should be planted along the western boundary as tall tree species planted could block afternoon and evening sunlight to the existing houses. Hedging should be incorporated within garden ground.
- 107 Detailed landscape plans should be submitted prior to the development of the individual phases. These should provide further information on proposed core path links and design and function of public open space and include an equipped play area.

### **Biodiversity**

- 108 The Phase 1 Ecological report submitted by the applicant highlights the potential for breeding birds and breeding/roosting bats to be present. As part of any future detailed submission further investigation of these features will be required at the appropriate time of year.
- 109 The indicative landscape proposals suggest there will be a greater diversity of habitats which will enhance biodiversity of the current agricultural site and is therefore considered to provide a positive impact.

### **Impact on Perth Airport**

- 110 As this is an operating airfield, there is a safeguarding zone within which development is controlled. This is explained in Perth and Kinross Supplementary Guidance on Airfield Safeguarding (December 2011), which includes consultation zones around the airfield for particular heights of development.
- 111 This does not mean that development cannot be permitted within these areas, and the Civil Aviation Authority (CAA) will be consulted if any vertical height and surface restrictions are exceeded. The consultation zones plan within the Supplementary Guidance shows those areas that are specifically safeguarded by the Airport and it indicates that development of the allocated site is acceptable in principle.
- 112 No issue has been raised by any user of the airport. It is expected that the development will be reasonably low level and not interfere with the use and function of the airport.

### **Scale, design and layout**

- 113 As the application is 'In Principle' there is no information at this stage in terms of detailed design and layout of the site. The Indicative Landscaping Scheme and Indicative Phasing Plan indicates a split of the site into 50% housing, including open space, and 50% employment, which is consistent with the allocation in the LDP.

- 114 As for scale, it is unlikely that any buildings, specifically employment, will exceed 15 metres in height, and there is an inbuilt height restriction given the safeguarding provisions for the Airport, which are likely to restrict buildings over 10 metres, in line with CAA CAP738 'Safeguarding of Aerodromes'.

## **Developer Contributions**

### Affordable Housing

- 115 The Council's Affordable Housing Policy requires 25% of the total number of houses to be affordable housing. A condition (No.9) to require this should be attached to any planning application granted.

### Primary Education

- 116 In terms of primary school capacity the proposal is within the catchments of both Robert Douglas Memorial Primary School and Balbeggie Primary School. A condition (No.10) to require this should be attached to any planning application granted.

### Transport Infrastructure

- 117 With reference to the Council's Transport Infrastructure Developer Contributions Supplementary Guidance the proposal will require a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. A condition (No.11) to require this should be attached to any planning application granted.

## **Economic Impact**

- 117 The development of up to 50 dwellings will provide a reasonable increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 50 dwellings the estimated expenditure on convenience and compassion goods will be in the region of £284,050 per annum. This expenditure should have a positive impact on Scone and Perth City Centre in particular.
- 118 The creation of additional employment uses adjacent to an existing employment generator should also have a significant economic impact and provide additional choice for potential investors in the area or those already at Perth Airport looking to expand their business.

- 119 If it is assumed that site coverage of the employment area is 40%, which is reasonable for this location then that equates to c.10,000 sqm of potential new floorspace. Employment densities vary depending upon the type of business from one employee per 10sqm for offices to one employee per 70sqm for warehousing (Employment Densities Guide 2nd Edition 2010 Drivas Jonas Deloitte for English Partnerships'). Depending on the final employment uses, the number of new jobs created here could be somewhere between 143 and 1,000.
- 120 The proposal accords national and local policy aimed at stimulating the economy including the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. This development will have a considerable economic impact after the development stage. It will take time to reach its maximum potential as units become occupied. A local multiplier effect will be experienced as other suppliers grow to increased local demand or start up to serve the influx of new businesses.
- 121 In summary this development would have a positive impact on the local economy.

#### **LEGAL AGREEMENTS**

- 122 Not required at this stage but will be required for future detailed applications.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 123 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30–33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in, or notification relating to this application.

#### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 124 The proposal primarily accords with National Guidance and Development Plan policy in relation to mixed use development immediately adjacent to residential and commercial uses and is in line with its allocation within the LDP. The development can be satisfactorily accessed, with appropriate road infrastructure improvements. Together with the future implementation of the CTRLR it offers good connectivity with Scone, Perth and beyond. To ensure compliance with the LDP, a condition preventing the residential element coming forward in advance of the CTRLR being a committed project will need to be applied.
- 125 Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

## RECOMMENDATION

### **A Approve the application subject to the following Direction and Conditions:**

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (16/01935/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

#### **Conditions**

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason - This is an application in principle and to ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The phasing plan as submitted is purely indicative and is not approved.

Reason - The application is for planning permission in principle only at this stage.

- 3 No development of any housing shall commence until the proposed Cross Tay Link Road (CTLR) as part of the Perth Transport Futures Project is a 'committed project'. For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

*"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced"*

Reason - To ensure compliance with the Council's Spatial Strategy for the Perth Core Area and prevent housing being developed in advance of the CTLR being a committed project.

- 4 No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
- a) The delivery of the development in agreed phases.
  - b) Details of any cut and fill operations.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing/planting to be provided.
  - h) Details of all landscaping, planting including structural planting and screening associated with the development.
  - i) Details of a play area and the equipment to be installed.
  - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
  - k) Detailed specification of all street and footpath lighting.
  - l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A94 and Airport.
  - m) Detailed plan of connection between the site and core paths.
  - n) Detailed specification of footway improvements on adjacent A94.

The development shall be implemented in accordance with the planning application(s).

Reason - Permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 5 In pursuance of condition 4 c), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.

Reason - In the interests of public health and to prevent pollution.

- 6 In pursuance of condition 4 d) and prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate protection of the water environment from surface water run-off.

- 7 In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

Reason - To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 8 In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 9 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 10 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 11 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 12 Road noise shall be reassessed at the Approval of Matters Specified by Condition (AMSC) stage at those properties most affected by the A94 to ensure reasonable internal noise levels within any bedrooms can be achieved.

Reason – In the interest of residential amenity.

- 13 A barrier shall be constructed in line with recommendations contained within the Report on Road and Air Traffic Sound for Morris Leslie at Nugent Drive, Scone, Perth and Kinross by Charlie Fleming Associates dated 31 August 2016. Details of the agreed barrier shall be submitted and approved by the Planning Authority as part of the Approval of Matters Specified by Condition (AMSC) stage.

Reason – In the interest of residential amenity.

- 14 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

- 15 A detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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



- 16 A Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
  - (b) in relation to every tree identified, a schedule listing:
    - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
    - ii. any proposed pruning, felling or other work; and
  - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
    - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
  - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

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

- 17 All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified applications.

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

## **B JUSTIFICATION**

- 1 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

- 1 None.

## **D INFORMATIVES**

- 1 Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 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.
- 3 The applicant is 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 Environment Protection Agency.
- 4 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
- 5 The applicant is advised that the granting of planning consent 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.
- 6 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Background Papers: Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

Contact Officer: Steve Callan – Ext 75337

Date: 5 May 2017

**Nick Brian**  
**Interim Head of Planning**

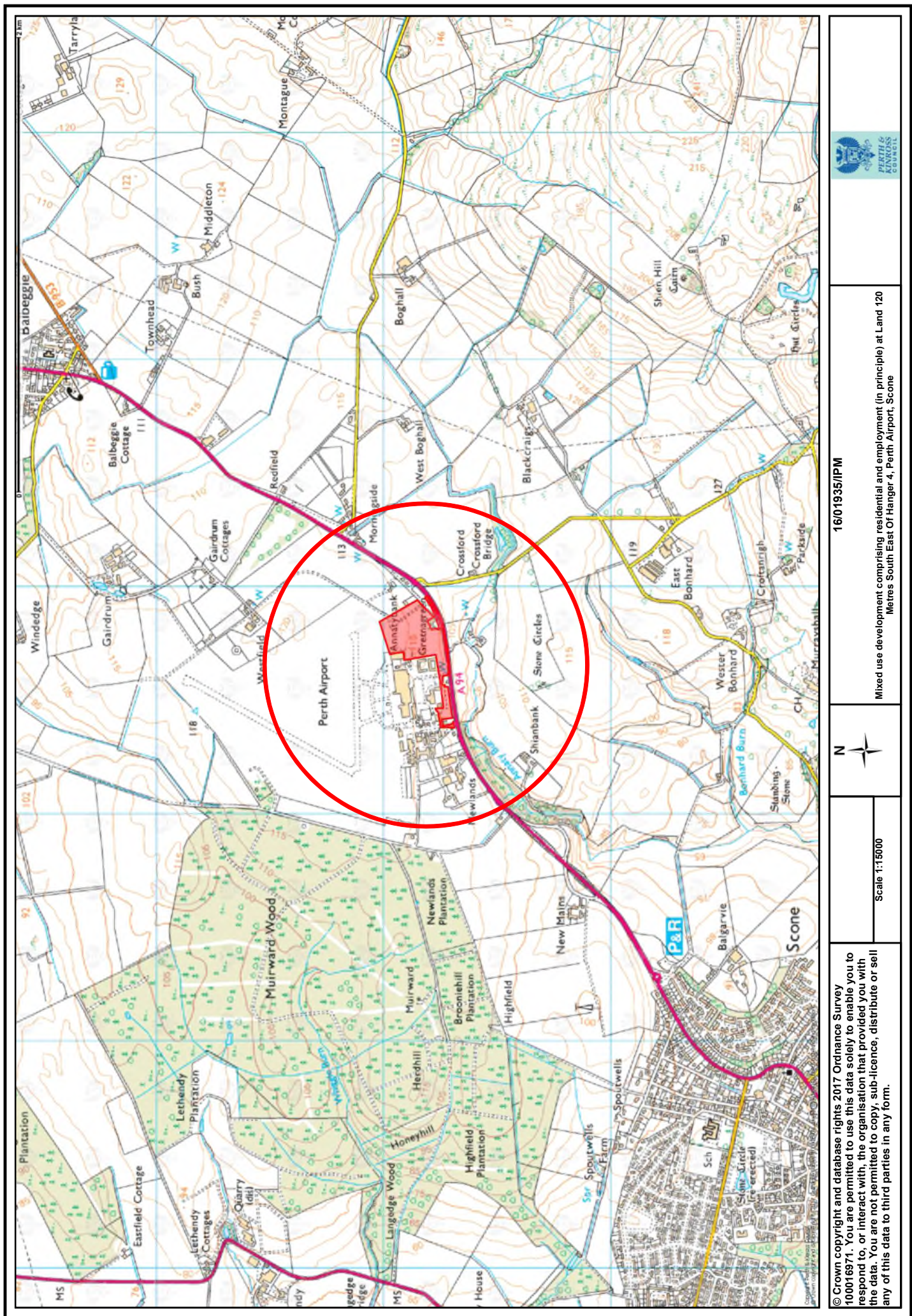
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1601935/IPM

Mixed use development comprising residential and employment (in principle) at Land 120 Metres South East Of Hanger 4, Perth Airport, Scone

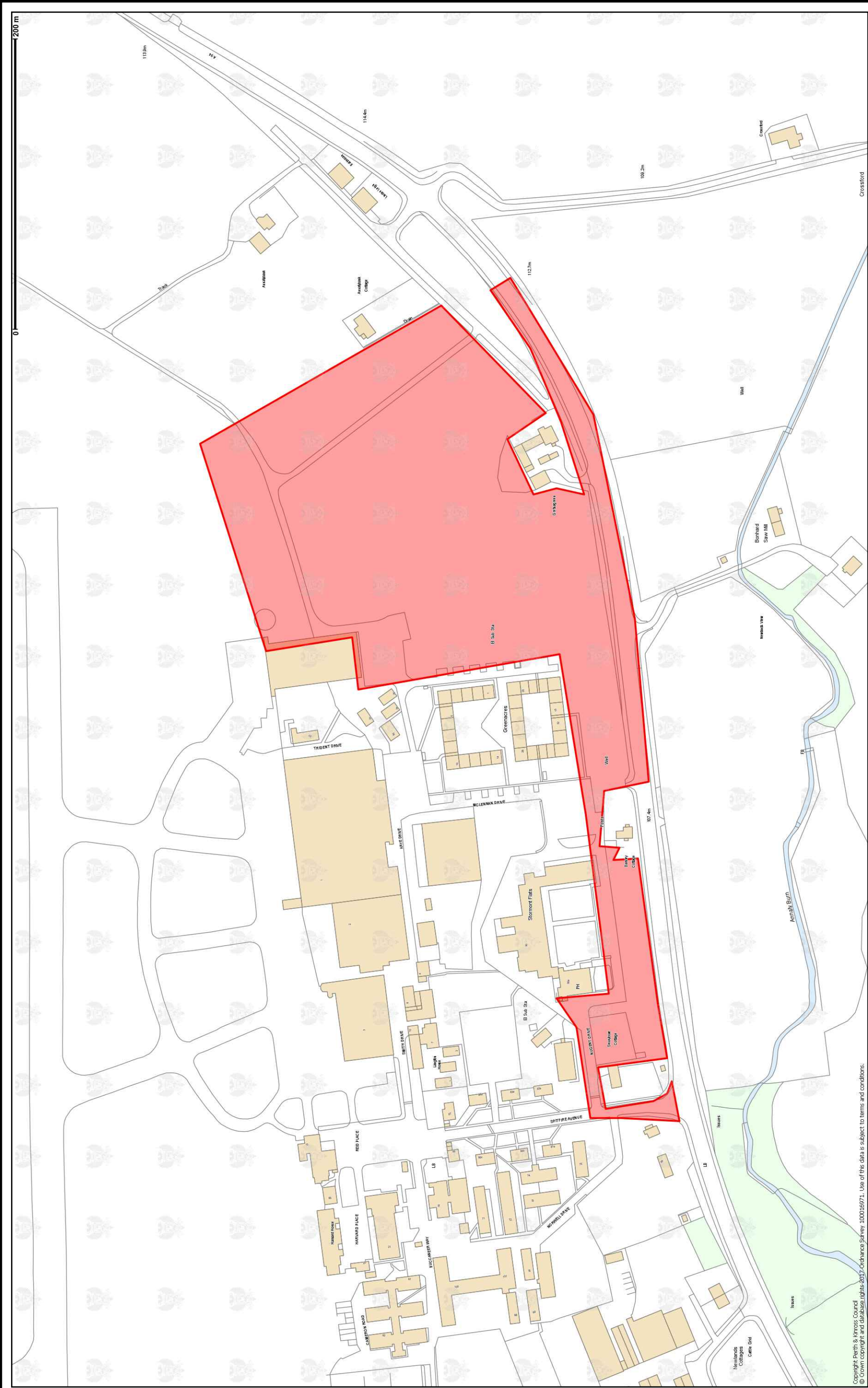


Scale 1:15000

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Scale 1:2500



16/01935/IPM

Mixed use development comprising residential and employment (in principle) at Land 120  
Metres South East Of Hanger 4, Perth Airport, Scone







Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Report of Handling by Interim Head of Planning

Residential development with open space, landscaping, drainage and associated infrastructure (in principle), Scone North, Scone.

Ref. No: 16/02127/IPM  
 Ward No: N2 Strathmore

### **Summary**

This report recommends approval of the in principle application to formally establish the principle of residential development and associated uses at land north and east of Spoutwells farm, Scone, referred to as Scone North (H29).

The development is considered to comply with the Strategic Development Plan TAYplan 2012 and Perth and Kinross Local Development Plan 2014 (LDP). The proposal also complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

### **BACKGROUND AND PROPOSAL**

- 1 The site, which extends to over 60Ha is located on the northern boundaries of the settlement of Scone, with clear identifiable landscape boundaries to the west and north consisting of Old Scone Wood, Highfield plantation and Brooniehill Plantation, associated with Muirward Wood. To the south, the site is bounded by Spoutwells Drive and Highfield Road. The site is dominantly characterised as agricultural land. Vehicular access to the site is currently taken off Highfield Road to Spoutwells Farm. A track passes through the lower third of the site and links back into Scone at Harper Way.
- 2 The site is allocated (H29) in the LDP for residential use to provide around 700 dwellings with provision for a primary school. The site is also partly dissected by the Cross Tay Link Road (CTLR) route options. The LDP intends that only 100 dwellings can be developed out in advance of the CTLR becoming a committed project (as set out in Appendix 2 background papers).
- 3 The principal components of the in principle application comprises the following uses:
  - 700 residential properties with a mix and range of house types
  - 25% affordable housing
  - Land set aside and reserved for potential new primary school
  - Sustainable urban drainage systems
  - Open space areas, including civic, formal and informal, recreational areas and play areas
  - Substantial tree planting
  - New footpaths and cycle paths, integrated with existing routes

- Potential ancillary retail/commercial space opportunities around the identified school site
- 4 The exact scale, mix and detailed layout relating to the above would be arrived at through the production and submission of further detailed planning applications with associated supporting information.
  - 5 The application has been accompanied by an Environmental Statement (ES), Pre-Application Consultation Report and associated background documentation including a Planning Supporting Statement.

### **Environmental Impact Assessment (EIA)**

- 6 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 7 This procedure, known as EIA, is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 A screening opinion was originally submitted in early 2016, where the Planning Authority confirmed the development to constitute an EIA development. A scoping opinion request followed thereafter, scoping out which elements should be included within the ES.
- 9 An ES has been submitted in support of the application, available in 2 volumes, comprising the following chapter headings:
  - EIA regulations
  - Proposed Development Details
  - Planning Policy Context
  - Cultural Heritage and Archaeology
  - Ecology and Biodiversity
  - Landscape and Visual Impact Assessment
  - Ground Conditions
  - Water Quality, Drainage and Hydrology
  - Traffic and Transport
  - Noise
  - Technical Appendices
- 10 Supplementary Environmental Information (SEI) was submitted in February 2017 and included further environmental information on ecology matters, specifically through the provision of a beaver survey with an identified change to their conservation status identified by Scottish Government at the end of 2016.

- 11 This SEI was advertised and appropriate consultation with SNH and the Councils Biodiversity Officer undertaken.
- 12 Part II, Schedule 4 of the EIA (Scotland) Regulations 2011 outlines the information required to be included in any EIA. In this case the information within the ES is considered to meet the requirements of the regulations.

### **PRE-APPLICATION CONSULTATION**

- 13 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 14 A Proposal of Application Notice (PAN) (reference 15/00017/PAN) was submitted on the 18<sup>th</sup> November 2015 and outlined a public exhibition was to be held locally on 8<sup>th</sup> December 2015. The ward Councillors (Alan Grant, Dennis Melloy, Ian Miller and Lewis Simpson) and Scone and District Community Council were all notified. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report.

### **NATIONAL POLICY AND GUIDANCE**

- 15 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

#### **National Planning Framework**

- 16 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

#### **The Scottish Planning Policy 2014**

- 17 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans
  - The design of development, from initial concept through to delivery
  - The determination of planning applications and appeals

18 Overarching topic areas relevant to this application include;

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking

Specific detailed topic area paragraphs include:

19 A successful Sustainable Place

- Paragraphs 123 – 125 Maintaining a 5-year Effective Land Supply
- Paragraphs 126 – 131 Affordable Housing
- Paragraphs 135 – 151 Valuing the Historic Environment

20 A Low Carbon Place

- Paragraph 152 – 160 Delivering Heat and Electricity
- Paragraph 190 – Planning for Zero Waste

21 A Natural, Resilient Place

- Paragraphs 202 – 218 Valuing the Natural Environment
- Paragraphs 230 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

22 A Connected Place

- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- Annex B – Parking Policies and Standards

23 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 52 Planning in Small Towns
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Places 2001**

24 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

25 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

### **National Roads Development Guide 2014**

26 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

### **Historic Environment Scotland Policy Statement (HESPS) 2016**

27 The policy statement provides further direction for planning authorities in their consideration of planning applications affecting the historic environment.

## **Historic Environment Scotland's 'Managing Change' guidance series**

- 28 Gardens and Designed Landscapes (2016)  
Setting (2016).

### **Place Standard (2016)**

- 29 Place Standard is a tool accessible to all, which can be used to evaluate the quality of a place. This includes places that are well-established, undergoing change, or still being planned. The tool can also help users to identify priorities.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 30 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 31 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 1 – Location Priorities**

- 32 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area (Including Scone) is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

### **Policy 2 – Shaping better quality places**

- 33 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3: Managing TAYplan's Assets**

- 34 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Policy 5: Housing**

- 35 States that Local Development Plans shall seek to have land allocated, which is effective or capable of becoming effective to meet the housing land requirement up to 10 years from the date of the plan adoption. The policy goes on to say that to assist in the delivery of build rates, Local Development Plan shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 36 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

## **Policy 8 – Delivering the Strategic Development Plan**

- 37 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

## **Perth and Kinross Local Development Plan 2014**

- 38 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The LDP sets out a vision statement for the area and states that:

*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*

- 39 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 40 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

- 41 All proposals should meet all eight of the placemaking criteria.

### **Policy PM1C - Placemaking**

- 42 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

### **Policy PM2 - Design Statements**

- 43 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3 - Infrastructure Contributions**

- 44 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy ED1A - Employment and Mixed Use Areas**

- 45 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy RD1 - Residential Areas**

- 46 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

- 47 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 48 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.



### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 49 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment (TA) is required.

### **Policy CF1B - Open Space Retention and Provision**

- 50 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

- 51 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy CF3 - Social and Community Facilities**

- 52 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 53 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 54 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 55 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

#### **Policy HE4 - Gardens and Designed Landscapes**

- 56 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

#### **Policy NE1A - International Nature Conservation Sites**

- 57 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### **Policy NE1B - National Designations**

- 58 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

#### **Policy NE2A - Forestry, Woodland and Trees**

- 59 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

#### **Policy NE2B - Forestry, Woodland and Trees**

- 60 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

#### **Policy NE3 - Biodiversity**

- 61 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### **Policy NE4 - Green Infrastructure**

- 62 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

**Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 63 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

**Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 64 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

**Policy EP2 - New Development and Flooding**

- 65 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

**Policy EP3A - Water, Environment and Drainage**

- 66 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

**Policy EP3B - Water, Environment and Drainage**

- 67 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

**Policy EP3C - Water, Environment and Drainage**

- 68 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

**Policy EP3D - Water, Environment and Drainage**

- 69 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP8 - Noise Pollution**

- 70 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy EP11 - Air Quality Management Areas**

- 71 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

### **Policy EP12 - Contaminated Land**

- 72 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Transport Infrastructure Paragraphs 5.1.17 – 5.1.18**

- 73 Identifies key constraints in relation to air quality and congestion, affecting both the Bridgend area and Crieff Road areas of Perth City, setting out that an embargo will be in place with individual site allocation providing further details in relation to the constraints.

### **Housing Land Allocation H29**

- 74 Identified residential site allocation for 700 residential units on a site extending to 63 Ha with associated site specific developer requirements.

### **OTHER POLICIES**

- 75 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Employment and Mixed Use Areas Supplementary Guidance May 2014.
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Landscape Supplementary Guidance 2015

## **Perth & Kinross Community Plan (2006 – 2020)**

76 Key aim - Create a vibrant and successful area through:

- A thriving economy including successful tourism and cultural sectors
- A positive image locally, nationally and internationally
- Improved infrastructure and transport links
- A sustainable natural and built environment

## **Perth & Kinross Corporate Plan 2013-2018**

77 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **Perth and Kinross Local Transport Strategy**

78 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

## **The Perth City Plan 2015 – 2035**

79 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

## **Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016**

80 The report focuses on the proposed preferred route for Phase 2 of the Perth's Transport Future project which consists of a new link road from west of the A9 crossing the River Tay and linking with the A93 and A94. The report also provides detail on current costs and funding issues and other related matters in taking the project forward.

## **SITE HISTORY**

81 15/00017/PAN Proposed Residential development and associated infrastructure, access, landscaping, SUDS and open space Agreed 08<sup>th</sup> December 2015.

82 16/00762/SCRN Residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space Response provided 02<sup>nd</sup> May 2016.

83 16/00995/SCOP Residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space Response provided 02<sup>nd</sup> July 2016.

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 84 Supported the planning in principle application, subject to conditional approval, covering flood risk, drainage, engineering in the water environment and pollution prevention and environmental management to be addressed in detailed or reserved matters applications as appropriate. The response goes on to acknowledge amongst other matters, improvements in flooding and drainage could result in potential benefits downstream, including to the Barrel Drain, caveating that additional on site storage will be required to achieve this. The response also acknowledges the feasibility statement for district heating, which was submitted in addressing an LDP developer requirement, with no additional scrutiny or information required in this regard.

#### **Scottish Natural Heritage (SNH)**

- 85 Clarified no likely significant effects upon the River Tay Special Area of Conservation was anticipated and summarised that the ES was considered to be adequate, stating they were broadly content with principle of development at this location. Several recommendations were however included within the response, specifically in relation to affected Ancient Woodland Inventory (AWI) and general comments on green infrastructure and opportunities, recommending the following:
- Construction/pre-felling checks for bats
  - Existing Ancient Woodland Inventory (AWI) woodland on the site is retained in accordance with the Scottish Government's Control of Woodland Removal Policy
  - Appropriate mitigation for proposed tree and woodland removal out with AWI woodland
  - Further analysis of active travel links beyond the site
- 86 The SEI Beavery survey findings and proposed approach were considered to be both reasonable and proportionate, particularly through the ongoing monitoring from an Ecological Clerk of Works (ECOW) on site during construction phases. Final comments clarified that when legal protection for beaver was put in place, SNH anticipated putting in place a licensing framework, in accordance with other protected species.

#### **Scottish Water**

- 87 A detailed response was received from Scottish Water offering no objection, stating there was current capacity for the development and confirming the applicant had been in discussions with them and set out detailed guidance and thresholds in this regard.

## **Historic Environment Scotland (HES)**

- 88 Content with the principle of residential development at the location. There were some concerns intimated regarding the effects on the Scone Palace Designed Garden, acknowledging that the impacts could be managed through retention of existing landscape features and supplementary planting at key locations to provide appropriate mitigation, as set out in paragraph 5.9.1 of the ES.
- 89 HES went on to state in more detail that the effects on the Scone Palace Inventory Designed Landscape should be mitigated through maintaining shelter belts and tree lined field boundaries as well as maintaining a treed frontage at the formal entrance at Old Scone Wood to the road to the south and recommend that impacts on views from routes through the core of the Inventory Designed Landscape along the A93 should be mitigated through planting along the northern edge of the proposed development. Fundamentally, the proposals were not considered to raise historic environment issues of national significance.

## **Transport Scotland (TS)**

- 90 Detailed late comments were received from TS in relation to the review of both the submitted TA forming part of the ES and general observations. In summary, TS stated that given its relative distance from the trunk road network (in excess of 4km) it was reasonable to assume that there is unlikely to be any material impact on the trunk road network.
- 91 In general terms, whilst making several observations in relation to local road network and access issues, TS appeared generally content with the associated TA in relation to the first phase for 100 dwellings, offering no objection to the principle of development on site, concluding by recommending 3 suspensive conditions to be attached to the consent

## **RSPB**

- 92 No objection, stating no significant concerns with the principle of residential development and the position set out in the appropriate sections of the ES. RSPB did however wish to reiterate previous recommendations submitted at the scoping stage in relation to maintaining biodiversity and providing foraging, roosting and nesting opportunities for birds and other wildlife.

## **Forestry Commission Scotland (FCS)**

- 93 A late comment was received from FCS; confirming no objection to the principle of development on the site, subject to applying a condition to ensure compensatory planting is secured in relation to identified tree loss, agreed in consultation with the FCS in advance of commencement of any development.

### **Scone Community Council**

- 94 Scone CC have been extremely active in their involvement with this application, compiling and submitting detailed objection comments, effectively commenting on each subheading within the ES and also including a separate supporting independent consultant review of the ES (1<sup>st</sup> Feb), with various follow up comments also received. The key topic headings in the comments are as follows:

- Compliance with the Development Plan
- Noise
- Cultural Heritage
- Ecology
- Landscape and Visual Impact
- Ground Conditions
- Water and Drainage
- Transport

- 95 On this occasion, it has been considered appropriate to include the principal objection comments and independently appointed consultant review from Scone CC as an Appendix of this report for direct information and reference.

### **Bridgend and Gannochy Community Council**

- 96 Objected on four principal grounds:

1. CTRLR should be fully constructed prior to any further housing built on the A93/A94 corridor
2. The CTRLR construction phase will severely increase traffic flows at Bridgend and elevate high emissions
3. The construction of the CTRLR will not prevent Scone residents travelling into Perth via Bridgend, further degrading air quality in the Bridgend area
4. Additional traffic at Bridgend at peak times, increasing the rat run through Gannochy and Kinnoull, which is already problematic

### **Perth & Kinross Heritage Trust**

- 97 No objection, stating that the ES section on cultural heritage and archaeology was robust; concluding that conditional control in line with SPP paragraphs 135, 137 and 150 was an appropriate course of action.

### **Perth Airport**

- 98 No response received.

## **INTERNAL**

### **Strategy and Policy**

- 99 General comments were provided in relation to the masterplan, hydrology, connectivity, landscaping and open space and developer contributions.



## **Community Greenspace**

- 100 Confirmed they were generally comfortable with the principles and the detail of key information such as tree surveys, but caveated that due to the nature of the in principle application, they could not meaningfully comment on specifics at this stage. A range of relevant topic areas were however covered in the response, including general comments and recommendations on public open spaces, paths, equipped play areas, sports provision and trees and woodland. Recommendation for associated conditions requiring details to be incorporated into detailed phases of the development and appropriate developer requirements to be secured.

## **Transport Planning (TP)**

- 101 Satisfied with detail submitted, recommending appropriate conditional control through the phasing elements and securing of beneficial public transport provision by legal agreement.

## **Environmental Health (EH)**

- 102 Comfortable with the principle, providing associated background comments in relation to the requirement for detailed assessment of air quality, noise and contamination matters. Specific clarification was set out regarding no requirement for a formal air quality assessment to be undertaken and submitted, with associated conditional recommendations in relation to noise and contamination.

## **Biodiversity Officer**

- 103 Appropriate surveys were considered to have been provided to support the application through the appropriate ES chapter heading. Fundamentally, the principle of residential development on this site can be appropriately managed and mitigated in relation to the associated impacts on ecology and biodiversity as set out in the ES, with a range of biodiversity enhancement opportunities cited. It will be appropriate for each detailed phase of development to ensure up to date survey information with associated recommendations has been undertaken and submitted in support of any detailed or reserved matters application. Standard conditions have been recommended.
- 104 Consistent with aforementioned, the supplementary beaver survey submission was considered appropriate, reasonable and proportionate with conditions recommended in response.

## **Development Contributions Officer**

- 105 Pre application discussions were carried out, identifying the likely contribution requirements, which may be secured through a S.75 Legal Agreement. The requirements relate to Affordable Housing, Primary Education including land for primary school provision onsite, Sports Pitch and Changing Facility provision and Transport Infrastructure. Further dialogue will be required with the applicant in relation to the draft heads of terms and associated conclusion of a S.75 legal agreement.

## Community Waste Advisor

- 106 Recommended that the applicant enters into early dialogue with the waste services team regarding associated recycling requirements.

## Structures and Flooding

- 107 Recommended conditional controls and the requirement for further detailed information to be produced and submitted in support of the associated detailed, reserved matters stages, following several detailed observations regarding the Hydrology and Drainage chapter of the ES.

## REPRESENTATIONS

- 108 During the overall extended consultation period of the initial submission and SEI, a total of 1031 comments were received, which break down as 927 representations objecting to the proposals, 92 in support and 12 making general comment. Letters of comment include letters from Perth Civic Trust, ScotWays and a late comment from Woodland Trust Scotland (WTS).
- 109 Summaries of the principal points from the comments of objection, general comments and supporters are set out accordingly:

## Objection Comments

110

| Key issue                | Detailed issue:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community infrastructure | <ul style="list-style-type: none"><li>• School roll is full</li><li>• Require community hall</li><li>• Medical practice at capacity</li><li>• No gas supply</li><li>• Loss of village character</li><li>• Impact on quality of life for Scone residents</li><li>• Loss of open space</li><li>• Footpath access</li><li>• Impact on village</li><li>• Quality of roads already very poor in Scone</li><li>• Clarification over type of open space within new site</li><li>• Concern with loss of access through the new development</li></ul> |
| Traffic & pollution      | <ul style="list-style-type: none"><li>• Very congested in Scone</li><li>• Increase the levels of pollution at Bridgend</li><li>• Noise pollution</li><li>• Light pollution</li><li>• Road safety</li><li>• Construction traffic will disrupt Scone</li><li>• CTRLR should be built first</li><li>• Concerns with pedestrian access</li><li>• Increased traffic at the school drop off times</li><li>• Illegal levels of air pollution</li><li>• Harper Way should not become a public thoroughfare</li></ul>                                 |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flooding issues | <ul style="list-style-type: none"> <li>• Drainage at Barrel Drain</li> <li>• Flooding in Scone already very bad</li> <li>• Surface run off from new development could impact on existing properties</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Planning issues | <ul style="list-style-type: none"> <li>• No planning gain for the village</li> <li>• Questions over committed and constructed issue in the Plan</li> <li>• Impact on visual amenity</li> <li>• Contrary to LDP policy</li> <li>• Housing density</li> <li>• PKC has already exceeded government targets for housing</li> <li>• Damage to archaeology in area</li> <li>• Impact of Scone Palace Design Landscape</li> <li>• Overlooking existing properties</li> <li>• Suggestions of a much larger buffer zone on southern boundary</li> <li>• Concerns over poor standard of housing.</li> <li>• New housing should not be built under an existing flight path</li> </ul> |
| Biodiversity    | <ul style="list-style-type: none"> <li>• Loss of habitat</li> <li>• Loss of trees</li> <li>• Loss of Ancient Woodland</li> <li>• Loss of biodiversity (red squirrels, pine martins)</li> <li>• Loss of woodland walks</li> <li>• Buffer zones for biodiversity not meeting regulations</li> </ul>                                                                                                                                                                                                                                                                                                                                                                          |
| Council process | <ul style="list-style-type: none"> <li>• Concerns over the process and whether it has been properly undertaken by the council in terms of allocating the site</li> <li>• Consultation on site not properly undertaken</li> <li>• Community Empowerment (Scotland) Act 2015: Council should decline any planning application harming health and wellbeing</li> </ul>                                                                                                                                                                                                                                                                                                        |

### General Comments

111

| Key issue | Detailed issue:                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning  | <ul style="list-style-type: none"> <li>• Local infrastructure should be capable of efficiently servicing the local community, meeting both current deficiencies and be adequate for future plans for further residential development</li> <li>• Good mix of small and medium sized housing is essential</li> <li>• Recognise focus on health and wellbeing for communities, particularly through dedicated cycle and foot paths</li> </ul> |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic & Pollution | <ul style="list-style-type: none"> <li>• No evidence that traffic on the A94 would be reduced as a result of associated development</li> <li>• Considered to increased traffic at Bridgend</li> <li>• Recommended for further traffic and air quality studies to be undertaken at Scone and Bridge End</li> <li>• Advocate no construction until Cross Tay Link Road built</li> <li>• Support for CTRL</li> <li>• CTRL junctions should be grade separated or onto large roundabouts</li> <li>• CTRL should be dual carriageway</li> <li>• Concern for erosion of the Green Belt</li> </ul> |
| Access              | <ul style="list-style-type: none"> <li>• Identified Rights of Way route and designated core path <b>TP330</b> will be affected by the development and request that the identified right of way remains open and free from construction during and after construction</li> </ul>                                                                                                                                                                                                                                                                                                             |

### Support Comments

112

| Key issue           | Detailed issue:                                                                                                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning            | <ul style="list-style-type: none"> <li>• Consistent with the approved LDP</li> <li>• Boost to the local economy including construction and local retail trade</li> <li>• Much needed housing</li> </ul> |
| Traffic & pollution | <ul style="list-style-type: none"> <li>• Air quality not above legal limits</li> </ul>                                                                                                                  |
| General view        | <ul style="list-style-type: none"> <li>• Misrepresentation from objectors</li> </ul>                                                                                                                    |

113 The material planning concerns raised are summarised and salient points addressed in the Appraisal section of this report.

### ADDITIONAL STATEMENTS

114

|                                                |                            |
|------------------------------------------------|----------------------------|
| Environment Statement                          | Submitted                  |
| Screening Opinion                              | Yes and Scoping undertaken |
| Environmental Impact Assessment                | Required                   |
| Appropriate Assessment                         | Not required               |
| Design Statement / Design and Access Statement | Submitted                  |
| Report on Impact or Potential Impact           | Submitted                  |

## **APPRAISAL**

### **Policy Appraisal**

- 115 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy.

### **Principle**

- 116 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 117 Much of the focus of objection has centred on the established position with the LDP, the identified change of wording from the Draft Plan to the current Approved Plan and the position of the CTRLR as a committed project.
- 118 It is understood there has been considerable discussion with the Planning Authority Strategy and Policy team and the local community of Scone in setting out and clarifying the policy context as to how the current position came about and I therefore consider it beneficial to set out the background from the Planning Authority perspective in Appendix 2. This covers the history concerning the site allocation, the associated objections and the reporters findings.
- 119 Scone North is allocated in the LDP for 700 dwellings under site allocation H29, forming an important component of the Council's housing land supply. The principle of this application remains closely consistent with this, apart from a minor variance to the site boundaries, fundamentally to the west of the site, accounting for less than 1% of the overall site area, which in part has been proposed to provide scope for additional rear garden ground to be provided to existing properties immediately adjacent on Harper Way. Fundamentally, the red site line area is entirely consistent with the PAN boundary and closely reflecting that of the original site allocation. Notwithstanding this, there are a number of site specific developer requirements, as detailed in a table below, which require to be addressed and assessed accordingly.

## Site Specific Developer Requirements

120

| Ref                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Location    | Size  | Number |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------|--------|
| H29                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Scone North | 63 ha | 700    |
| <b>Site Specific Developer Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |       |        |
| <ul style="list-style-type: none"> <li>⇒ Masterplanning required for entire site (allowing for only 100 houses in advance of the CTRL becoming a committed project). The first stage of this masterplanning process will establish broad land use and placemaking principles for the site.</li> <li>⇒ Flood Risk Assessment required and the results may reduce the amount of land available for development. Groundwater flooding will need to be considered as spring and dry valley are within the site boundary. The development of the site must not increase the risk of flooding down gradient and may require improvements to current drainage arrangements off site.</li> <li>⇒ Water storage requires investigation.</li> <li>⇒ Core paths should be accommodated within the development and developer contributions provided for path improvements to address significant extra demand on routes in the Scone area.</li> <li>⇒ Pedestrian and cycle routes provided to village centre.</li> <li>⇒ Suitable boundary treatment to create village edge.</li> <li>⇒ Enhancement of biodiversity and woodland corridors.</li> <li>⇒ Provision of site for a potential new primary school and financial contribution in line with the Council guidance.</li> <li>⇒ Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.</li> </ul> |             |       |        |

## Masterplanning

- 121 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 122 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 123 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes.

- 124 The illustrative Masterplan submitted has identified potential future arrangement for the layout of movement, open spaces and uses for the site. The street layout and dwelling orientation has been identified to reflect the sloping nature of the site. Whilst the detailed treatment and relationship is not clear at this stage, the indicative relationship with the allocated CTLR has been identified. Fundamentally, the cross cutting CTLR should not create further disconnection within the site but should be treated as part of the site. To this end, it will be preferable to provide a more creative solution than simply treating it as an avenue of trees, creating a barrier between the two distinct phases of the overall site. It will be critical for the detailed phase affecting this area to achieve a suitable solution at this challenging juncture, including at least the appearance of a street and keeping in mind that this development site is a new entrance to Scone. It is however important to note that as this is an in principle application, there is flexibility within this to allow for elements of change as the detailed design elements are worked up.
- 125 The first phase of development is limited to 100 houses in accordance with the current CTLR embargo for this specific site (see Appendix 2), and as set out in proposed condition 25. The identified first phase is proposed to be developed and accessed from the western edge of the site using the existing local road network, with later phasing being required to ensure a further vehicle access is provided at the eastern end of the site, connecting up with the CTLR. Three further phases have been currently identified, including phase 3 allocating land for a primary school, the allocated CTLR sandwiched between phases 3 and 4 to the north east.
- 126 At this stage therefore, the Masterplan and design principles identified provide sufficient scope and opportunity for the detailed planning phases to fulfil the associated policy requirements of Policy 2 of TAYplan and LDC placemaking Policies PM1A, B and C.

### **Flood Risk Assessment and Water Storage**

- 127 LDP policy EP2 states there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.
- 128 There are essentially three catchments influenced by the proposed scheme, namely the Cramock Burn, the Barrel Drain and a tributary of the Annaty Burn. The Barrel Drain is a positive drainage catchment with known historic issues, with the Cramock and Annaty both natural features. A flood risk assessment (FRA) has been submitted as part of the ES, covered within chapter 9, covering both fluvial and pluvial flooding.

- 129 In line with regulations, when the development exceeds 50 dwellings, a minimum of two levels of SUDS treatment will be required, proposed to be provided in a variety of forms including roadside filter trenches, in-curtilage permeable driveway paving and SUDS basins. 3 SUDS basins are proposed across the site. SEPA, the Council Flood Risk and Structures Team (SFT) and Scottish Water had no objection to the details contained within the ES and the broad principles proposed. Both SEPA and SFT stated they would be looking for more detail to be provided at the detailed submission phases (see proposed condition's 4,16,17 and 18) but judged the level of detail as appropriate at the in principle stage, with no significant impact considered. In general terms, there is anticipated to be an improvement experienced regarding the existing drainage network and flooding occurrences, in particular, impact on existing residential amenity, including areas affected by the Barrel Drain.
- 130 In summary, the submission appropriately acknowledges the issues surrounding surface water flooding and drainage, which are specific to the site and have addressed this with a range of measures that include a series of SUDS throughout the development, remaining consistent with the intentions of Policy EP2, subject to conditional control. Aside to the engineered water retention solutions, it was also considered to be beneficial to have the SUDS requirements to be designed and integrated as a feature, incorporated into the overall landscaping, creating attractive areas to walk and providing habitats for biodiversity within the area. The proposed concept of them being part of the open space allocation, allowing them to become a feature rather than just a function is welcomed.

### **Core Paths, Pedestrian and Cycle Routes**

- 131 The retention of core paths and rights of way within and bounding the site have been adequately picked up and accounted for at this stage. The comments provided by ScotWays are noted and are recommended to be incorporated appropriately in the detailed, reserved matters application, controlled by condition (see proposed condition 24).
- 132 Through the iterations of the Masterplan and during pre-application discussions with the Planning Authority, emphasis was placed on the adequacy of pedestrian and cycle routes, both within the site itself, but also linking into the wider peripheral area and in particular linking up with the existing Scone settlement. Working with existing water features and proposed SUDS features within the site, the Masterplan has proposed an attractive pedestrian route cutting through the site organically and linking up with other green networks.



- 133 Scone North is located adjacent to a network of existing paths, bridleways and cycle routes, particularly within the wooded areas of Scone Estate. The Masterplan has picked up on a number of these as part of its movement analysis. The proposals have provided a number of footpaths within the development, linking with core paths and the surrounding woodland. It is important that the design of these footpaths create attractive routes that will encourage their usage. There are also connections into Scone although the site still remains somewhat disconnected from the centre. This is partly due to the location of the site but the proposal would benefit from further emphasising these connections and promoting active forms of travel specifically with regards to the school and other facilities within the wider Scone settlement. As mentioned, due to the physical relationship with existing residential development bounding much of the southern boundary of the site, there are acknowledged to be limited opportunities to link up with the existing settlement and onto the village centre, but the route options proposed in the current Masterplan are considered both beneficial and adequate overall for a development of this scale and in relation to the distances involved along the southern boundaries.
- 134 Opportunities should be maximised to provide wildlife corridors incorporating paths along the woodland and within the SUDS schemes, providing for public amenity and biodiversity. Where paths are close to houses, care should be taken to ensure privacy for the houses without high level fencing, which could create a channelling effect for path users.
- 135 Overall, the proposals at this in principle stage are considered to comply with the site specific requirements in relation to both core paths and pedestrian and cycle route opportunities and remain consistent with LDP Policies TA1B and CF2, with no significant or adverse impact anticipated. It is acknowledged that the proposals identified at this stage will need further design work, and in line with SNH consultation comments, it will be appropriate to review some of the identified green network areas, with opportunities further investigated to maximise benefits and ensure optimum active travel opportunities are explored and realised as set out in proposed conditions 23 and 24.

### **Boundary treatment to create village edge**

- 136 It is considered that appropriate principles and the acknowledgement of the importance to achieve appropriate boundary treatment have been generally covered and achieved at this stage, with a robust framework identified. Through the loss of existing tree cover, compensatory tree planting will have to be addressed. It has been discussed with the applicant about this requirement taking place both within both the red site line boundaries and extending out with into land within the current landowner's control, particularly at key points. As previously discussed, the relationship with the CTRLR will require further consideration. More detail will be forthcoming through detailed submissions, controlled by condition (including conditions 4h, 6, 9 and 10) and legal agreement.

## **Enhancement of biodiversity and woodland corridors**

- 137 Chapter 6 of the ES addresses Ecology and Biodiversity. With both the northern and western boundaries of the site enclosed by woodland, there is significant habitat value surrounding the site. It is considered that the Masterplan has looked to retain, enhance and expand existing habitats with an identified green network corridor and retention of woodland corridors. Additional fringe tree planting has also been discussed on the north western boundaries to provide a valuable link between two tree groups.
- 138 When applying the tests of the LDP in terms of Policy NE3 Biodiversity, the Council has an obligation to protect and enhance all wildlife and wildlife habitats and consider whether the development would be likely to have an adverse effect on protected species.
- 139 Generally the impact of biodiversity on the site and wider site area has been carefully considered throughout. It has been considered by all relevant consultees that appropriate baseline information has been presented to assess the associated impact in this case. As identified by the Council Biodiversity officer, there are significant opportunities to enhance the biodiversity of the site by taking the site out of agricultural production and creating green networks.
- 140 In line with comments from both SNH and RSPB, optimising opportunities at the detailed, reserved matters stages will be fundamental, with review of existing features to ensure specifications are appropriate and optimal for the site and the associated flora and fauna.
- 141 It has been noted and acknowledged from both the recommendations contained within the ES and consultees that it will be necessary for repeat and where appropriate, more detailed surveys to be undertaken in the period immediately prior to work taking place and if necessary, species protection plans prepared in support of a detailed planning application and associated disturbance licences sought from SNH.
- 142 The Masterplan identifies core principles associated with woodland, parkland, water and wetland areas. Detailed clarification will however be required through the detailed submissions of the development phasing, including the relationship with existing woodland and during key times of construction for example. In response to criticisms of the scope of the surveys undertaken, I can confirm these were established at the scoping stage in consultation with the Council Biodiversity Officer.

143 The Biodiversity Officer makes several professional observations below regarding the content of the independent audit undertaken by Ironside Farrar, on behalf of Scone CC and associated comments from Scone CC:

- The relevance of the photographs of beaver activity is unclear as it has already been established that there is beaver activity at the pond about 300m from the site boundary and the suggestion that heavy traffic will somehow disturb the beavers is unlikely as beavers are essentially nocturnal/diurnal animals (when construction will have ceased). The location of the beavers lodge or burrow has not been established, but is assumed to be associated with the pond. The legislation to protect beavers is not yet in place yet but will be accounted for by the developers ECOW when work commences.
- A Pine Marten den was found more than 1km to the north of the site boundary, much further than was required to be surveyed for the application. Although the survey report refers to constraints in full access not being possible, it is normal practice to highlight limitations of surveys and this is addressed in the ecological assessment. It is highly unlikely that there will be disturbance as a result of construction due to Pine Martens being diurnal, construction times restricted to daylight hours.
- There are photographs of Red Squirrels in trees, which provide evidence that Red Squirrels are present, but there is no evidence of any structures that could be squirrel dreys. As the trees shown appear to be beech trees it is unlikely they would be suitable as squirrels more often favour conifers to build their dreys, close to the vertical trunk. The survey observes several grey squirrels in the mixed woodland.
- The overall survey area was reduced by written agreement as it was considered that as there would be no encroachment by the development into the woodlands to the north of the site species present would have ample habitats to disperse into.
- Raptors will often be seen flying over fields but no evidence has been provided of any nests on or close to the development site. The only record of raptors held by PKC within 2km is a barn owl 990m from the site boundary and while there is likely to be a long term loss of foraging habitat, there is sufficient similar habitat to the north and east of Scone.
- It is accepted that there is some data missing in the desktop study on badgers, however data held by PKC identifies that the closest badger activity is recorded 2km to the North West and 1.75km to the south east, and ample suitable habitats remain with any associated loss of forage habitats likely to be negligible.
- The bat activity survey concentrated on the woodland edge as the site is predominantly open fields, which are not normally suitable for bat foraging or commuting. A bat roost potential survey of trees on the site was carried out and an assessment provided showing little bat roost potential. Any trees identified for removal will be surveyed for bat roosts as part of detailed applications to ensure up to date survey information.
- All Lamprey species were considered in the Phase 1 survey, table 3.1, and in the ES table 6.13 and paragraph 6.6.17.

- 144 The Biodiversity officer concludes that in his professional opinion, the survey methodology followed recognised guidelines and the information provided in the ES was of a standard for the particular habitats expected to be found for a site that is predominantly arable farmland. This site assessment is considered appropriate for a planning permission in principle application, with the supporting Masterplan layout and it is appropriate and commensurate to require further detailed surveys for each phase of the development as they occur.
- 145 Overall, the proposed approach and background findings are considered to be consistent with LDP Policies NE3, NE4 and ER6 and the associated site specific, developer requirements.

### **Loss of Ancient Woodland Inventory (AWI)**

- 146 As noted in the SNH comments and late objection comment from WTS, there was concern expressed regarding the potential loss of AWI, with SNH and WTS recommending that this area should ideally be retained. In further understanding and clarifying this concern, the Planning Authority met with SNH directly to discuss the observations of the AWI and the associated comments submitted. SNH confirmed their comments were recommendations as opposed to an objection position, clarifying that departure from this position may be acceptable through a detailed survey of the affected AWI, identifying what, if any of the qualifying characteristics remained. This recommendation has been included within proposed condition 8, to be undertaken and submitted in advance of any detailed, phased planning application. In following up the meeting, the Councils Biodiversity Officer visited the area and undertook a walkover, concluding the following observations:
- 147 The area of designated ancient woodland at the west of the site has an edge of mature beech round the whole plantation, a number of which will be lost to allow access to the site, along with some rhododendrons, which are on the road verge. The conifer plantation is densely planted at 1.5m x 2m spacing's and is an estimated 10-15 year old, although there is evidence of at least 1, possibly 2 or more cycles of conifer plantation previously judging stump remains. This appears to have prevented any obvious ground vegetation to flourish, the most abundant plants found were mosses and ferns, giving an indication of the low light levels under the conifer plantation with a comprehensive cover of leaf litter under the canopy, consisting predominantly of beech leaves. It is acknowledged that there could potentially be a dormant seedbank in the soil, but after the continuous conifer plantation it is unsure how viable this is likely to be. There are some individual trees in the plantation, such as beech, birch, oak and pine, which would merit retention within the development to add a sense of maturity to the development.
- 148 Interestingly, the map provided by Ironside Farrar undertaking the independent review of the ES (see Appendix 1) highlights areas of the AWI and the Scottish Semi-Natural Woodland Inventory (SSNWI). This map indicates that almost all of the built up area of Scone is considered to be SSNWI; reinforcing that using such rigid designations cannot provide a clear and concise assessment of the 'nativeness' of the woodland in question when it consists largely of private residential gardens.

- 149 Approximately 0.85ha of designated AWI will be lost in this area if it is accepted that new woodland planting were to replace part of the area of arable field adjacent to remain in perpetuity, commensurate with the development. This is considered to provide suitable compensation for the loss of a relatively small corner area, currently characterised by conifer plantation. It is worth noting that paragraph 203 of SPP (2014) states that *“designation does not impose an automatic prohibition on development”*.
- 150 Associated with this and other identified tree loss, FCS have commented, setting out concerns regarding the lack of identification of compensatory planting, but clarifying in the context of the in principle application, they were comfortable to review the position through condition to require compensatory measures to be identified and agreed in consultation with the FCS prior to the commencement of any development.
- 151 Overall, officers are comfortable that the principles of Policies NE2A and NE2B can be satisfied in relation to all tree matters and the impact on the AWI, including appropriate detailed site investigation secured via proposed condition 8. In discussion with the applicant, it has been agreed that appropriate compensatory and beneficial tree belts will be identified and planted, and it was also discussed that new ground flora seeds are introduced with the qualifying characteristics of the existing AWI to aim to recreate over time. Any compensatory planting required out with the red site line area will be secured through the associated legal agreement.

**Provision of site for a potential new primary school and financial contribution**

- 152 This element has been clearly identified within the background submission, including the illustrative Masterplan and through pre-application discussions involving the Councils Development Contributions officer. The delivery of this shall be addressed through heads of terms and an associated legal agreement. The capacity concerns of the existing primary school within Scone are considered to be adequately addressed in this regard, as the Councils Education department would be in a position to review, plan for and pursue this element as required.

**Investigation of district heating system and combined heat and power infrastructure utilising renewable resources.**

- 153 A District Heat Network viability appraisal has been undertaken and submitted as part of the planning submission. SEPA have stated they are comfortable that no further work is required at this stage, accepting that there is no feasibility as set out, whilst putting the onus on the Planning Authority to review this position. The Planning Authority has commissioned an independent external assessment of the feasibility study with the outcome anticipated to be forthcoming. The site specific requirements in this regard are considered to have been met. In the event that further work requires to be undertaken in support of any subsequent detailed, reserved matters application, it has been considered appropriate to include proposed condition 33 to reflect this potential requirement.

## **Sustainable Construction**

- 154 In addition to the aforementioned, LDP Policy EP1 requires sustainable design and construction to be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting a standard set out in the associated table (Bronze, Silver, Gold or Platinum). The applicant has confirmed they will be looking to build in a range of sustainable construction features within the development, achieving high standard efficiency targets as a minimum from the outset.
- 155 It is anticipated that the specifics of the sustainable construction approach will be worked up in more detail through the detailed submission of the associated detailed phases and as required through proposed condition 5. It is also forecast that latter phases of the development will continue to improve the overall sustainable construction standards, in part as required by Building Standards.

## **Landscape, Open Space and Visual Impact**

### **Landscape and Visual Impact**

- 156 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 157 The assessment of landscape and visual impact is covered in chapter 7 of the ES, identifying any predicted significant effects. The landscape to the east of the site is covered by the western edge of the Sidlaw Hills Special Landscape Area designation, extending away from the site in an easterly direction. The western half of the application site is located within the eastern periphery of the Scone Palace Inventory Garden and Designed Landscape. The viewpoints were agreed in consultation with the Planning Authority at the pre-application stage.
- 158 Two key visual receptors were identified as likely to experience a significant effect as a result of the proposed development. The first is Viewpoint 5 (along Core path SCON/12 (south of Highfield)), located directly adjacent to the site, and anticipated to experience a high extent of change, including the removal of longer distance views. The second receptor from Viewpoint 6 (along Core path SCON/13, which is located within the north western area of the site, likely to experience urban views.
- 159 The application site is notable for the visual containment offered by the plantation woodland of Highfield, containing the proposals to both the west and north.

- 160 The landscape framework proposed indicates, screening potential of some of the proposed residential areas. A network of linked green spaces and corridors are proposed, seeking to integrate with existing robust landscape features and providing alternative pedestrian and cycle routes through the site. The proposed linked areas of open space are also proposed to form wildlife corridors. Overall, the visual impact, of the site offers acceptable development capacity and the creation of green corridors and structural planting will help offset and mitigate much of the changes to the visual amenity of the area that a development of this scale will undoubtedly create.
- 161 Community Greenspace colleagues comments broadly support the proposed Masterplan stage of the process, but caveating that ultimately all areas would require to be worked up in further detail with a detailed landscape strategy, including retention of the majority of existing tree cover and other established landscape features. The proposed area of green corridors and structural planting, which enhance the existing landscape character of the area is generally welcomed.
- 162 RSPB and SNH welcomed the 'Scone north Masterplan' placemaking principles for the site, including the concept of green islands and green corridors along with integrated active travel. Both went onto highlight the green corridors on the indicative drawings in the Masterplan were not necessarily of a sufficient size to enable them to provide meaningful ecological connectivity and habitat mitigation alongside supporting functions such as active travel. It was recommended that further investigation takes place in relation to the detailed, reserved matters applications is undertaken to enhance the identified green corridors through selective widening to provide adequate riparian habitat alongside the watercourses and more robust native woodland planting.

### **Open Space**

- 163 The site benefits from established perimeter planting. Within the site, there is little established landscaping that will be affected. The proposed positive open space, play areas and landscaping shown within the submitted indicative plans has the potential to provide a significant positive enhancement to the benefit of the wider development and neighbouring areas.
- 164 The proposal retains the main existing treelines within the site and provides areas of open space, incorporate the SUDS features. The identified pitch and changing facility provision will require to be identified on site if they cannot be provided off site. As previously mentioned, there is a requirement in the LDP that there should be a suitable boundary treatment to create a village edge, as already discussed.
- 165 The final detailed design of public open spaces require to be multifunctional and maintenance efficient, allowing access for maintenance machinery. Consistent with Council Policy, small areas of public open space should be avoided. Planting should relate to function with sufficient canopy space given for trees to avoid creating shade and other issues for future residents in the longer term, with proposed shrubs not requiring onerous pruning.

- 166 The Community Greenspace team also advised that they would support land being identified for allotment provision and funding or provision of basic site infrastructure. Whilst opportunities will be encouraged, in particular within the identified green networks, a specific condition to make this a mandatory undertaking was not considered appropriate or reasonable.
- 167 Play park provision standards (local (LEAP) and neighbourhood (NEAP) equipped areas for play as detailed within the Council Play Strategy. Play areas to cater for 4-8 years (LEAP) and 4-14 years (NEAP) will be required to comply with the Councils play standards. Play areas should be located to be overlooked and accessible to the maximum number of residents possible. Depending on design and location 1 NEAP and 1 or 2 LEAPs should be sufficient within the whole development (700 dwellings). Within phase 1 a NEAP will be required.
- 168 An undersupply of football pitches has been identified for Scone. The local community football club (Scone Thistle FC) are exploring options for securing a multi pitch facility with a possible synthetic tuff pitch, changing facilities and car parking. The Council are supportive of this in principle and an off-site contribution to these facilities may be required.
- 169 Overall, the proposed approach and assessment of impact is considered both appropriate and proportionate. Significant potential exists for retention of existing landscape features and associated new proposals to effectively ensure the visual amenity of the area is protected and enhanced, consistent with LDP Policies ER6, CF1 and CF3.

### **Traffic and Transport**

- 170 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. The required standard is the impact that any development has on the operation of the associated road network should result in 'no net detriment'. The biggest single constraint currently facing the Perth Area is the capacity of the strategic roads infrastructure in and around Perth. Of the future land supply identified through the LDP for the Perth Housing Market Area, only 30% can be delivered without significant improvements to the transport network.
- 171 SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 172 A TA was submitted with the planning application, covered in chapter 10 of the ES. The TA was assessed by the Transport Planning Team (TP) and TS. As the application is only an in principle application as this stage, much of the detail that would be expected to be included in relation to the site will be submitted as part of future, detailed applications (see condition 22), with the submitted TA assessing the overall site in general terms, although the anticipated first phase of 100 units is assessed in sufficient detail.



- 173 In terms of the overall site, the impact of the development of circa 700 units has been extensively tested using the Council's S-Paramics traffic model as part of previous work undertaken to support the LDP. This demonstrated that a development of the proposed scale could be accommodated without any undue impact on the wider road network once the CTRLR project was complete.
- 174 Following the examination of the draft LDP and the associated reporters' recommendations, the adopted LDP made provision to allow an initial phase of 100 units to be released prior to the CTRLR becoming a committed project and it is this initial phase that is the primary focus of the submitted TA. The proposals for this initial phase are for the development to be accessed from Stormont Road via a new priority junction.
- 175 The assessment of this, and other junctions within the vicinity of the site that were deemed to be within scope, demonstrating that the expected vehicle trips generated by this level of development can be accommodated by the existing network. The TA also suggests some off site works to mitigate and improve aspects such as pedestrian facilities and road safety and while these are welcome, the detail and final form of such works will be further assessed as part of future detailed application(s).
- 176 The TA notes that much of the site is within 400m of established public transport facilities, however the completed site will require to be served by new or altered bus routes and the final design and layout will require to accommodate this.
- 177 TP confirmed they would seek proposals to improve public transport services and facilities, along with an appropriate financial contribution towards supporting new or additional services during the initial phases of the sites development; to be detailed and agreed as part of a wider Green Travel Plan (see condition 23) for the development and through a legal agreement.
- 178 The TA adequately demonstrates that the first phase of 100 units can be accommodated on the existing road network, along with the wider road network ability to accommodate the overall 700 unit development in association with the delivery of the CTRLR. Acknowledging the nature of the in principle planning submission, there is limited detailed information on the impact of future phases and specific details concerning means of access and egress. The detailed access strategy and phasing plan for any development above 100 units as required by condition will require further testing as part of any future detailed application, demonstrating that adequate access arrangements can be achieved with no detrimental impact on the immediate local road network (even if, as previously noted, the wider network can accommodate the anticipated vehicular traffic of the overall site once the CTRLR project is completed).
- 179 Overall, TP are satisfied that the TA, forming part of the ES at the in principle planning stage accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes.

- 180 TS commissioned consultants CH2M to audit the TA that was submitted to support the application. The audit includes an assessment and commentary on matters that are solely within the remit of the Council as the Roads Authority and have already been reviewed by TP. As noted and identified by TP in the aforementioned, as the application submitted is an in principal application, most of the technical aspects relating to the roads layout, road widths, footway connections, cycle facilities etc. will be dealt with as part of future detailed applications as well as part of the Roads Construction Consent process.
- 181 TS conclude that the development is unlikely to have any significant impact on the Trunk Road Network; recommending inclusion of several conditions, consistent with conditions as proposed in this Committee Report. One exception where this report proposes a more stringent condition relates to the terms of the committed CTRLR project being satisfied (see Appendix 2) in advance of support for a detailed planning consent exceeding the first 100 residential units, as set out in proposed condition 25.

### **Cultural Heritage**

- 182 Chapter 5 of the ES covers cultural heritage, with all recorded heritage assets within 3km of the proposed development site considered within the assessment.
- 183 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and, where it is likely that archaeological remains exist, the developer will be required to arrange for an archaeological evaluation to be carried out. Archaeology considerations have been adequately covered and addressed in chapter 5 of the ES, as confirmed by the consultation response from PKHT, with salient conditions proposed moving forward to detailed, reserved matters planning applications.
- 184 LDP Policy HE4 - Gardens and Designed Landscapes requires the integrity of sites included on the Inventory of Gardens and Designed Landscapes to be protected and enhanced (Please note that HES only make reference to Scone Palace Inventory Designed Landscape (IDL)). In this case, the current visual relationship and overall proximity between the site and Scone Palace IDL is largely limited and as identified in HES response, there are opportunities to further mitigate this impact through sensitive site design and associated landscape framework enhancement proposals, which can be secured via proposed condition10 and through legal agreement.
- 185 HES confirmed they were broadly content with the principle of residential development in this location, but did however reinforce that effects on Scone Palace IDL should be mitigated through maintaining existing shelter belts and tree lined field boundaries as well as maintaining a treed frontage at the formal entrance at Old Scone Wood to the road to the south. They did not therefore agree with the conclusion that there would be no requirement for mitigation to be identified in relation to designated heritage assets, and went on to recommend that impacts on views from routes through the core of the IDL along the A93 should be mitigated through planting along the northern edge of the proposed development.

- 186 It was concluded that there were no significant effects upon the settings of designated heritage assets through the assessment. There is not considered to be a conflict with LDP Policy HE4 or any contravention in relation to either policies HE1A or HE2 of the LDP; providing that suitable conditions are applied and addressed through this application or as appropriate, through the detailed planning submission phases.

### **Waste Collection**

- 187 The supporting planning statement identifies that a waste management strategy will be developed at the detailed design stage to accord with best practice and the requirements of Perth and Kinross Council.
- 188 The Waste Service Team recommends that the developer incorporates a recycling point into detailed plans to include bell containers for colour separated glass, household metal packaging, cardboard, paper and textiles to complement the existing kerbside recycling services in the area and provide an additional facility for the residents of north Scone, as set out in proposed condition 31.

### **Contaminated Land**

- 189 A Phase 1 Contaminated Land Assessment has been completed by the applicant and has identified local areas of contamination associated with the former land uses. In particular, there is an infilled quarry within the boundary of the proposed development site. The original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any residential properties being built close by. There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing.
- 190 The Councils Contamination officer has therefore recommended a condition (condition 29) be applied to tackle the identified contamination and propose mitigation measures where required. The Councils Contamination officer clarified that they were satisfied that the ES adequately addresses contamination issues on the site. The proposed conditional control will ensure the development fully complies with LDP Policy EP12 – Contaminated Land.

### **Air Quality**

- 191 Perth and Kinross Council have a duty to review and assess air quality within its area and report annually to the Scottish Government. In undertaking these duties, there have been two AQMA's declared and although this development is out with either, it has the potential to impact on one Perth AQMA particularly at Bridgend.

- 192 The appraisal of air quality generated a high volume of objection for this application, including within the independent consultant review of the ES. As was set out in the submission background material and following professional consultation review, the requirement for an air quality assessment to be undertaken as part of the ES was scoped out by the Council Environmental Health Team through a scoping opinion. This was acknowledged to be adequately addressed in the considerations and background of the Strategic Environmental Assessment (SEA) of the LDP and was also identified to not exceed the required thresholds for an air quality assessment as per the relevant guidance applicable at the time of the submission (Planning for Air Quality 2010).
- 193 The scoping response (1 July 2016) provided by the Council's Environmental Health officer consistently applied the same assessment criteria through the consultation memo response (13 January 2017) in assessing the in principle application with associated EIA. Both responses predate the publication of the latest national guidance (24 January 2017), and therefore the appropriate application of the relevant guidance, which applied at the time. This is considered both reasonable and proportionate and consistent with the position taken by both SEPA and TS. The guidance, which the independent review from Scone CC refers to is English based guidance and is not applicable to this case.
- 194 In terms of the impacts to air quality, there are two acknowledged important stages to this application, the first of which is the construction and occupation of 100 residential units before the commitment of the CTLR (see Appendix 2) and the remaining residential phases after its construction. There is an established embargo on residential development proposed along the A94 corridor due to congestion and air pollution particularly towards Bridgend, however following the reporters recommendations, the current LDP as previously identified and set out in Appendix 2 allows for the aforementioned 100 residential units to be constructed and occupied prior to the commitment of the CTLR.
- 195 This does not mean or imply that the air quality impacts have not been considered for this development, with the first stage of this involving the required screening of the traffic data to ascertain whether a formal air quality assessment is required. This was recommended to be undertaken, in line with the commonly used Environmental Protection UK (EPUK) document *Development Control: Planning for Air Quality*. The original guidance document recommends that air quality be assessed if a development "will give rise to a significant change in either traffic volumes, typically a change in annual average daily traffic (AADT) or peak traffic flows of greater than  $\pm 5\%$  or  $\pm 10\%$ , depending on local circumstances (a change of  $\pm 5\%$  will be appropriate for traffic flows within an AQMA), or in vehicle speed (typically of more than  $\pm 10$  kph), or both, usually on a road with more than 10,000 AADT (5,000 if 'narrow and congested')".

- 196 The biggest concern affecting air quality is the 100 houses potentially benefitting from a detailed consent prior to the committed CTLR, particularly on Bridgend. The increase in traffic here is however anticipated to be around 3%, which is less than the aforementioned 5% threshold. The remainder of the residential units will not be recommended for approval at the detailed stages until the CTLR is a committed project (see Appendix 2), which will see a net improvement in traffic impacts, particularly in Bridgend. There is also anticipated to be an overall improvement in air quality experienced here and across the rest of Perth by the time this phase of the build has begun, evidenced by the overall downward trend in pollution levels over recent years.
- 197 Overall, on air quality grounds, the impact of 100 dwellings and its associated impact on Bridgend is anticipated to be minor, particularly through natural variations in daily traffic volumes, making it particularly difficult to identify and pin point any direct impacts as a result of this specific development. At this stage of the planning process therefore and through conditional assurance that no more than 100 residential units can be supported in detail prior to the commitment of the CTLR (see condition 25), the proposals are considered to comply with LDP Policy EP11.

### Noise

- 198 This development will have dwellinghouses subject to noise from the A94 and the future CTLR and as such noise has been measured and assessed, covered in chapter 11 of the ES. Four sensitive receptors were identified as shown on Appendix 11.2 of the ES. Noise was measured and this was used to model the noise at these receptors. Of the four receptors, two were predicted to have moderate to large significance as a result of the A94 and the CTLR.
- 199 The maximum predicted noise levels at properties along the CTLR was LAeq 16 hour 62.3dB during the day and LAeq 8 hour 57.4dB at night. PAN 1/2011 Technical Advice Note (TAN) sets target levels of 55dB and 45dB for day and night respectively, therefore the receptors along this link are predicted to be well above. This is assigned a significance of impact of moderate/large for which the TAN states "*These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance*" therefore mitigation is required here.
- 200 The maximum levels along the A94 are predicted to be LAeq 16hour 56.5 for daytime and LAeq 8 hour 50.8 at night time. The daytime level is slight whereas the night time level is slight/moderate. Mitigation is less important here however I believe the night time levels are still too high as a slightly open window will typically mitigate noise levels by some 15dB meaning internal night time noise levels of 35.8 dBA. This is above the recommended levels set down by the World Health Organisation for the prevention of sleep disturbance; therefore mitigation will be required here also.

- 201 The noise impact assessment suggested that excessive motorised traffic noise could be mitigated by way of a 2.5 metre acoustic barrier in order to achieve acceptable external noise levels, with suitable glazing proposed to achieve acceptable internal noise levels. EH have stated a preference for suitable internal levels to be achieved without the need for closed windows, justified through PAN 1/2011, which states *"It is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation"*.
- 202 As this is an in principle application, the exact positioning and layout of the houses and any required acoustic barrier solution is yet to be determined. It will therefore be most appropriate to review noise impact at the detailed stages in terms of detailed layout and residential units most exposed to noise, as set out in proposed condition 27. As part of the detailed considerations, all efforts should be made to achieve suitable internal noise levels with windows slightly open.
- 203 In summary, there is no objection to the application in principle on grounds of noise issues but it is recommend that noise levels be reassessed at the detailed, reserved matters phases (condition 27), once the detailed layout is known. On this basis, the proposal is considered to comply with LDP policy EP8.

### **Amenity**

- 204 As set out above, as this is only at the in principle stage, the exact positioning and layout of all physical elements has yet to be determined, with no adverse impact therefore assessed in terms of existing or proposed residential development. It is acknowledged that there will be impacts to consider on existing residential amenity at the detailed stages, particularly those on the southern boundary of the site extents and in relation to construction phases. This will be fully assessed through the detailed planning submissions, with associated consideration on the management of the construction impacts. In summary, there is not considered to be any insurmountable adverse impact calculated on existing neighbouring residential amenity as a result of formally establishing the principle of residential development on the site.

### **OTHER CONSIDERATIONS**

#### **NHS – Local Surgery Capacity –**

- 205 No formal objection has been received from NHS Tayside regarding the capacity of the doctors' surgery and an inability to cope with the proposed level of residential development identified and allocated within the LDP. It should be noted that NHS have been consistently invited to take part in the LDP process, including an opportunity to comment on proposed site allocations. In addition, the private finance model required to deliver doctors surgeries is different to that of education facilities. In this case, Scone doctors' surgery is also understood to be affiliated to a wider Perth City surgery network.

## **Housing Land Requirement**

- 206 Some of the representations submitted against the proposal questioned the need for this housing proposal to come forward with other strategic sites now approved or on site considered to adequately meet the projected population growth of the Perth area.
- 207 The identified need for sites such as Scone is based on the Scottish National Records population projections for each Local Authority area. The population projection for Perth and Kinross is predicted to grow by up to 24% between 2012 and 2037, making it one of the fastest growing regions in Scotland. With Scone forming part of the Tier 1 Perth area, the delivery of this site is essential to maintaining the effective 5-year housing land supply, in line with paragraph 110 of SPP 2014.

## **Developer Contributions**

- 208 A legal agreement will be required to secure infrastructure associated with site H29, under the terms of Policy PM3 Infrastructure Contributions. The applicant has identified an area within the site that can accommodate a primary school. This is within proposed Phase 3 of the development. Furthermore, there are ongoing discussions regarding the provision of a sports pitch and changing facilities. Should the pitch and changing facilities not be provided off site, however, an alternative on site provision should be identified, as set out in the draft heads of terms. The possibility of district heating also requires further exploration as this has been specified in the LDP.
- 209 A Section 75 legal agreement is required to secure infrastructure for the site to ensure it complies with Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions. A Draft Heads of Terms has been prepared and passed to the applicant, covering topics, which are set out in the following Legal Agreement section of this report.

## **Phasing**

- 210 An indicative colour coded phasing plan has been submitted, identifying in the supporting information that development will take place in a phased manner from west to east. The details are not considered to go far enough and it will therefore be appropriate to request a detailed phasing and delivery plan to be secured, as proposed in condition 3.
- 211 Notwithstanding, and in discussion with the applicant, it would be reasonable to assume in the region of 30 – 40 units per year would be the build out rate with a proposed direction to give the applicant up to 15 years to apply for all associated reserved matters applications.
- 212 In addition, taking cognisance of the scale of development and the associated project delivery timescales, in tandem with pursuing national and local placemaking principles, it has been considered appropriate to include a conditional requirement for the latter two phases of development to identify and pursue different residential character areas, including the investigation of varying established house types, whilst still complementing the existing architectural and residential character of Scone (see condition 32).

## **Economic Impact**

- 213 The socio-economic assessment within the ES has determined that the wider development will have a positive effect in terms of job creation, both in the short to medium term for the construction period and thereafter in the net population supporting local services and creating opportunities for economic development within the area.
- 214 The current Perth and Kinross Retail Study (2014) estimates that average convenience goods expenditure available per household in 2019 will be £2,047 per annum, with the average comparison goods expenditure available per household will be £3,634 per annum. Based on these figures and the proposed 700 dwellings over the entire development, an estimated expenditure on convenience and comparison goods could be in the region of £4 million per annum (as of 2019 figures). This expenditure has the potential to have a significant positive impact on Perth City Centre and local commercial centres.
- 215 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. In summary, the overall economic impact will be positive for the local area.

## **Content and Adequacy of the ES**

- 216 As identified from the outset, 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. The 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 would otherwise make this acceptable.
- 217 In relation to this application, the basic content and associated background information of the ES and associated SEI are deemed to fulfil the requirements of the EIA regulations. In addition, due to this being a multi-stage development, through which further details will be required to be submitted and formally approved, Council officers are therefore satisfied with the baseline findings at this in principle stage.

## **Pre-Application Public Consultation**

- 218 Some concern was expressed through representation that the consultation exercise undertaken for this proposal was inadequate, also referring back to and criticising the LDP process (see Appendix 2 for salient LDP background). The pre-application consultation is considered to have been undertaken in accordance with the approved PAN submitted by the applicant and is judged to satisfactorily meet Scottish Government requirements for major planning applications.



## **LEGAL AGREEMENTS**

219 A legal agreement is required to secure infrastructure that will be impacted by the proposal. A Draft Heads of Terms has been discussed between the parties, covering the following topic headings:

- Primary School
- Transport Infrastructure
- Public Transport Improvement
- Affordable Housing Provision
- Open Space Provision and Maintenance
- Sports Pitches and Pavilion Provision
- Play Area Provision and Maintenance
- Structure Planting Delivery
- Community Facilities Delivery
- Community Contribution
- Compensatory Tree Planting

## **DIRECTION BY SCOTTISH MINISTERS**

220 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an EIA screening opinion, call in, or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

221 In conclusion, the application, seeking to establish in principle development consent, must be determined in accordance with the adopted Development Plan unless material considerations indicated otherwise. In this respect, the proposed development at Scone for 700 units is allocated in the LDP and forms part of the Tier 1 development sites of TAYplan (2012). Whilst only seeking to establish in principle planning, the indicative proposals identified in the Masterplan are considered acceptable in terms of general layout, design, density, siting, access opportunities and visual impact. Through the appropriate controlled phasing of the development, including restricting and detailed consent initially to 100 units (prior to the 'commitment' of the CTRL), the associated infrastructure and air quality impact concerns can be satisfactorily addressed and managed in line with that set out in the LDP.

222 The proposal has been identified to meet a strategic proportion of the projected population growth for the Perth and Kinross area. Support for the development will also establish a key catalyst in the funding of committed strategic transportation improvements of the wider area, significantly through the delivery of the CTRL. Less than 1 percent of the proposed site area is located out with the allocated site boundaries, which has been proposed in part to provide an improved environment for existing residential amenity, moving proposed housing further away from existing houses in the north western corner of the site and affording larger gardens to the existing residents. This in isolation is not deemed to constitute a significant departure from the LDP.

- 223 Overall, the proposed development is considered competent and compliant with the key principles of the LDP and is recommended for approval, subject to appropriate detail and mitigation being secured via conditional control and an associated legal agreement.

## **RECOMMENDATION**

### **A Approve the application subject to the following direction and conditions:**

#### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (16/02127/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 15 years.

#### **Approval of Matters Specified in Conditions**

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

*Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. This is an application in principle.*

- 2 The proposed site layout plan and phasing plan as submitted are indicative.

*Reason: The application is for planning permission in principle only at this stage and not any detailed matters specified.*

- 3 No development shall commence until a detailed Phasing and Delivery Plan, detailing associated construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the approved Phasing and Delivery Plan unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to ensure the implementation and completion of the development components of the proposal coincide with associated infrastructure delivery.*

- 4 No development shall commence on any phase until further planning application/applications have been submitted to and approved by the Planning Authority in respect of the following matters coinciding with the requirements secured under the legal agreement:
- a) The delivery of the development in phases associated with the areas identified in the Masterplan.
  - b) Full details of any cut and fill operations, including any required retaining wall structures.
  - c) Full details of the proposed means of disposal of foul water to serve the development.
  - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
  - e) The siting, design, height and external materials of all buildings or structures.
  - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
  - g) Details of any screen walls/fencing to be provided.
  - h) Details of landscaping, planting and screening associated with the development.
  - i) Details of play areas and the equipment to be installed.
  - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
  - k) Detailed specification of street and footpath lighting.
  - l) Detailed plan of public access provision across the site, including:
    - existing provision
    - during construction and
    - upon completion
  - m) A woodland management plan for all woodland areas (existing and proposed) and timescales for implementation.
  - n) Flood risk mitigation measures.

The development shall thereafter be implemented in accordance with the approved detailed planning application(s).

*Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.*

- 5 In pursuance of Condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development
- c) Details on the sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies (as a minimum) with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability' (or any subsequent technical guidance standards adopted and applicable at the time of detailed application submission)

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

*Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.*

- 6 In pursuance of Condition 4 h), detailed schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed above ground services, including cables and substations.
- d) The detailed location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A plan clearly identifying the areas of public open space proposed for adoption.

- i) A programme for the completion and subsequent maintenance schedule of the proposed public open space landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be undertaken during the planting season following the commencement of the development on that part of the site, in accordance with the approved planting programme or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In pursuance of i), no works in connection with any phase of development hereby approved shall take place until such time as the structural landscaping works relevant to that phase as shown on the structural planting plan have been completed in full, prior to each phase.

*Reason: To ensure the implementation of satisfactory schemes of landscaping which will assist in integrating the proposed development into the local landscape and in the interests of the visual amenity of the area.*

- 7 In pursuance of Condition 4 m), all existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

*Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.*

- 8 A detailed site investigation of the affected Ancient Woodland Inventory (AWI) shall be undertaken with findings submitted for written approval by the Planning Authority and in consultation with SNH, prior to the submission of any detailed or reserved matters application associated with any phase of the associated 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 measures.*

- 9 In association with Conditions 4 h) and 8, prior to the commencement of development, proposals identifying suitable compensatory planting, including a flora seed mix of local provenance (to offset for the permanent Woodland loss as a result of this proposal) shall be submitted for written agreement with the Planning Authority, in consultation with Forestry Commission Scotland (Perth and Argyll Conservancy) and SNH. The compensatory tree planting and seed mix as agreed will thereafter be implemented at the earliest opportunity (addressed in condition 6i) and prior to the completion of the development.

*Reason: To ensure the satisfactory compensatory planting proposals are secured and delivered and in accordance with national reforestation strategies.*

- 10 In association with Conditions 4 h), 6 i) and 9, prior to the commencement of development, a planting enhancement strategy relating to Scone Palace Inventory Designed Landscape (as viewed from the A93) shall be submitted for written agreement with the Planning Authority, in consultation with Historic Environment Scotland. The approved strategy will thereafter be implemented at the earliest opportunity, agreed in writing and prior to the completion of the development.

*Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.*

- 11 In pursuance of Condition 4 h), each detailed phase of development shall further investigate the potential to optimise the scale of proposed green corridors in relation to maximising ecological and active travel benefits, evidenced in background supporting information as part of the planning submission.

*Reason: In the interest of maximising environmental quality, sustainable travel and bio-diversity opportunities within the site.*

- 12 The Ecology and Habitat Surveys undertaken in respect of the Environmental Statement submitted in support of planning application 16/02127/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications. The conclusions and recommended action points within the supporting ecological surveys submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

*Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).*

- 13 In association with Condition 12, no removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures 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 should be submitted to the local planning authority.

*Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).*

- 14 In association with Condition 12, measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

*Reason: In order to prevent animals from being trapped within any open excavations.*

- 15 In association with condition 4 h), where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance.

*Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).*

- 16 In pursuance of Condition 4 d), Disposal of Surface Water:-

- a) No built development shall be constructed over existing drains (including a field drain) that are to remain active.
- b) Prior to the commencement of any development, a drainage strategy covering the whole site shall be submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA. Detailed sustainable urban drainage system (SUDS) details shall be submitted in support of each individual phase of the development, 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. All works shall thereafter be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the affected phase of the development.
- c) 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.
- d) Concurrent with the initiation of any detailed development phases approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

- e) The discharge of any surface water drainage shall be limited to the Greenfield runoff rates detailed in the table below.

| Catchment    | Calculated Greenfield Runoff Rates (l/s) |       |       |
|--------------|------------------------------------------|-------|-------|
|              | Q30                                      | Q100  | Q200  |
| Cramock      | 190.5                                    | 269.6 | 313.6 |
| Barrel Drain | 41                                       | 54    | 64    |
| Annaty Burn  | 47.5                                     | 63    | 73    |

*Reason: In order to take account of the surface water runoff from the local environment, including appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.*

17 In pursuance of Condition 4n), Flood Risk Mitigation:

- a) A 5m maintenance strip either side of the Cramock Burn must be maintained in perpetuity
- b) No built development or land-raising shall take place within the 1:200 year flood extent
- c) The finished floor level of all properties shall be a minimum of 600mm above the 200year flood level including an allowance of 20% for climate change. (as defined at the relevant cross section in the Allen Gordon New Mains – North Scone, Flood Risk Assessment - Appendices N,O and P (dated 14 November 2016))
- d) The garden level of all properties shall be a minimum of 300mm above the 200year flood level including an allowance of 20% for climate change. (To clarify, the finished floor level will be as defined at the relevant cross section in the Allen Gordon New Mains – North Scone, Flood Risk Assessment - Appendices N,O and P dated 14 November 2016)
- e) The soffit level of all bridges/culverts shall be agreed in writing with the Planning Authority, in consultation with the Councils Structures and Flooding Team, prior to the commencement of any works of the associated detailed phase of development

*Reason: In order to take account of the flood risk from the adjacent watercourse.*

18 In pursuance of Condition 4n), prior to completion of any phase of development adjacent to the Cramock Burn, the watercourse for a distance of 100m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development shall be inspected and cleared of any impediments likely to create an obstruction to the free flow of water; all to the satisfaction of the Council as Roads Authority

*Reason: In order to take account of the flood risk from the adjacent watercourse.*



- 19 At least two months prior to the commencement of development, a site specific, Construction Environment Management Plan (CEMP), incorporating:

- a Construction Method Statement (CMS)
- a Construction Traffic Management Plan (CTMP)
- a Site Waste Management Plan (SWMP)
- a Site Access Management Plan
- a Drainage Management Plan (DMP) and
- Environmental Management Plan (EMP)

detailing appropriate mitigation and control measures associated with all phases of the construction programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with SEPA and Transport Scotland. The approved CEMP shall be updated and submitted not less than two months prior to the commencement of each approved phase of development and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter, each phase of development shall be fully undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Planning Authority.

*Reason: to control pollution of air, land and water and to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.*

- 20 In association with Condition 12, at least two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed by the developer at their expense as the 'Ecological Clerk of Works' (ECOW) for the site. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development phases. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the 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.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site

- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented

The ECOW is required to notify the Planning Authority:-

- d) If there has been a requirement to stop or alter works in relation to this condition
- e) They are required to submit a report on their inspection (frequency to be agreed) for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority

*Reason: In order to ensure that an ECOW is appointed and is suitability qualified and has a suitable job description and powers to oversee all salient ecological matters affecting the Construction phases of the development.*

- 21 In association with Condition 19, no development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority, in consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

*Reason: To mitigate any adverse impact of construction traffic and maintain the safe and efficient operation of the existing road network.*

- 22 In pursuance of condition 4 j), application(s) for the Approval of Matters Specified beyond the initial phase of 100 units within the Masterplan area shall include a detailed Transport Assessment.

*Reason: To ensure that the scale of development can be supported through existing and associated proposed transport infrastructure or appropriate mitigation measures.*

- 23 In pursuance of condition 4 j), no part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Planning Authority. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

*Reason: To ensure that the development is accessible by sustainable transport modes and to encourage their use.*

- 24 In pursuance of condition 4 l), detailed public access plans across the site (setting out existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-
- a) All existing paths, rights of way, tracks and core paths.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
  - c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
  - d) Any diversions of paths, temporary or permanent proposed for the purposes of the development.
  - e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

*Reason: In the interest of maintaining public access and active travel.*

- 25 No more than 100 residential units are permitted to be occupied until the Cross Tay Link Road (CTLR) as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy is agreed by the Planning Authority to constitute a 'committed project', in consultation with Transport Scotland.

For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

*"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced".*

*Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development and to ensure compliance with the Councils Spatial Strategy for the Perth Core Area.*

- 26 All construction work, including deliveries shall be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no work on a Sunday.

*Reason: In the interests of residential amenity.*

- 27 Noise shall appropriately be re-assessed at the Approval of Matters Specified application stage(s) to ensure that a suitable level of residential amenity can be achieved and maintained at all residential receptors.

*Reason: In the interests of residential amenity.*

- 28 All external lighting to be installed (including construction lighting) shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.

*Reason: In the interests of neighbouring amenity and to avoid unnecessary light pollution.*

- 29 Development shall not begin until a scheme to deal with the identified contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures

Prior to the occupation of any residential unit as part of the associated phase of development, the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the schemes proposals have been fully implemented must also be submitted to the planning authority.

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.*

- 30 Prior to the commencement of each phase of the development, a site specific plan detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority, in consultation with the Council Waste Service team and thereafter undertaken in accordance with the approved details.

*Reason: In the interests of the sustainable disposal of waste.*

- 31 In association with Condition 30, it is recommended that the developer incorporates a recycling point into the plans at the Approval of Matters Specified application stage(s) to include containers for colour separated glass, household metal packaging, cardboard/paper and textiles to complement the existing kerbside recycling services in the area and provide an additional facility for the residents of north Scone.

*Reason: In the interests of the sustainable disposal of waste.*

- 32 In association with Condition 3, distinctive character areas shall be pursued in phases 3 and 4 of the development, varied from that established in phases 1 and 2 (as identified in the indicative phasing plan), including the introduction of different house types, informed by detailed design analysis.

*Reason: In the interests of establishing distinctive residential character areas, in support of achieving placemaking criteria of the LDP and in pursuit of contemporary outcomes through the development phases.*

- 33 Further obligations in relation to the implementation and feasibility of district heating opportunities for the site (as carried out by Inventa, dated October 2016) may be required. Such obligations will be informed by an independent review commissioned by the Planning Authority; the outcome and recommendations of this review shall be incorporated into any application(s) for the Approval of Matters Specified (where necessary and for the avoidance of doubt, this could include set aside land provision to safeguard and future proof district heating infrastructure requirements).

*Reason: In the interests of sustainability, to ensure the potential for district heating opportunities are fully investigated and independently reviewed in relation to the development, neighbouring potential and the associated development phases.*

- 34 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 unless otherwise agreed in writing with the Council as Planning Authority.

*Reason: To ensure the development is in accordance with the terms of the Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.*

- 35 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

*Reason: To ensure the development is in accordance with the terms of the Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.*

- 36 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

*Reason: In the interest of protecting and recording archaeological interest within the site.*

## **B JUSTIFICATION**

- 224 The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

- 225 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The developer is advised to contact Sarah Malone, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 3 The applicant is advised that in terms of Sections 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.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water directly. In the first instance, for developments of 10 or more domestic dwellings (or non-domestic equivalent) a Pre-Development Enquiry (PDE) form must be submitted directly to Scottish Water. This will allow the proposals to be fully appraised.
- 6 The applicant is advised to contact the Community Waste Team in advance of any Approval of Matters Specified application to discuss requirements for recycling point(s).

- 7 The applicant is recommended to consider and respond to consultee responses received in relation to in principle planning application 16/02127/IPM within the submission of any Approval of Matters Specified application.

|                    |                                                                 |
|--------------------|-----------------------------------------------------------------|
| Background Papers: | 1031 letters of representation                                  |
| Appendix 1A        | Scone CC objection comments (1 <sup>st</sup> Feb 2017)          |
| Appendix 1B        | Scone CC independent ES review (1 <sup>st</sup> Feb 2017)       |
| Appendix 2A        | PKC Background note on CTRL and development embargo             |
| Appendix 2B        | CTRL and LDP Timeline History                                   |
| Appendix 2C        | Perth's Transport Future Project Committee Report (14 Dec 2016) |
| Contact Officer:   | Callum Petrie                                                   |
| Date:              | 11 May 2017                                                     |

**Nick Brian**  
**Interim Head of Planning**

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.





*Response from Scone and District Community Council*

CP

**Tracy McManamon**

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**From:** [REDACTED]  
**Sent:** 31 January 2017 12:11  
**To:** Development Management - Generic Email Account  
**Subject:** Proposed Development Scone North Housing  
**Attachments:** Scone and District CC - final Audit Comments Updated 26.01.16.pdf; CC Comments on Application FINAL.docx; Formal objection cover Rev 1 010217[15316].docx

**Application No. 16/02127/IPM**

Sent from Mail for Windows 10



1<sup>st</sup> February 2017

Planning and Development,  
Perth & Kinross Council  
35 Kinnoull Street,  
Perth. PH1 5GD

Dear Sirs,

**Proposed Development Scone North Housing**  
**Application No. 16/02127/IPM**

The above application was registered with Perth & Kinross Council on 12<sup>th</sup> December 2016.

We have examined the submitted documents and find that there would appear to be serious mistakes in the process, which are incorrect and out with the required standards.

We not only register our objection to the application but we would ask that the application be called in for further scrutiny before continuing with any consideration process.

In substantiation of our objections we enclose a summary list of our comments/objections.

In order to ensure that our comments were based on material considerations, as a Community Council we have employed Ironside Farrar as our consultants. Their remit was to review and provide comment on the adequacy of A&J Stephen's proposals, contained in their Environmental Statements.

We enclose a copy of their audit document as substantiation of the basis of our own comments.

We trust that our comments/objections will be given due cognisance as part of your assessment of this application.

Yours faithfully  
For Scone & District Community Council

Hazel MacKinnon  
Secretary

**Planning Application – 16/02127/IPM**

**Proposed Housing Development at Scone North**

**Scone & District Community Council**

**Comments/Objections to the Application**

**Planning Application 16/02127/IPM**

**Index of Comments**

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## Planning Application 16/02127/IPM

### Comments on General matters

During the process of preparing the LDP, we know that the Council voted on a draft LDP in Dec 2011 which said that the CTLR must be constructed before the houses occupied. We know this was changed at the request of the Developer/landowner by the Council's planning dept.

We know that neither the SDCC nor the public were consulted about this change which would have resulted in the huge opposition we see now, had this been done.

Instead they were consulted on 'constructed'. The consultation process was faulty. Until recently Planning have been documenting in letters that this change was brought about by the Reporter.

We know that this is not the case. It was changed by Planning without the required consultation process.

**We believe that permission for this Development cannot be given until the process under which this change was made can be investigated.  
Failure of process is a legitimate reason for objection**

### However we would comment against the LDP adopted in 2014

#### Adopted Local Development Plan

Page 141, para 5.32.3 of the Adopted Local Development Plan referring to Scone, states *"To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth there will be an embargo on further planning consents for housing sites of 10 or more until such time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites."*

**As the above statement makes no specific exclusions, nor is the North Scone site a brownfield site, the embargo must apply.**

The press release, following the Full Council meeting on 14<sup>th</sup> December 2016, clearly stated that "The Council has no legal means to challenge the Reporter's decision on wording".

**Accordingly no consent can be granted until the CTLR is a committed project, which was defined by the full Council on 14/12/16 as – "it is the view of the Council that the CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced".**

**We are concerned that construction may take a number of years, with the consequential effect of a further build-up of congestion and pollution during the construction period.**

### Community Empowerment (Scotland) Act 2015

In accordance with the Community Empowerment (Scotland) Act 2015, Article 97 clearly indicates that PKC must decline any planning application in which the development would harm the health and wellbeing of any community and this is further backed up EU Directive 2008/50/EC the Air Quality Directive.



## Planning Application 16/02127/IPM

### Comments on General matters (Contd)

In addition we would draw attention to the written submission from Dr Drew Walker, Director of Public Health, NHS Tayside in which he makes the following comment:-

*“The P&KC Air Quality Report provides updates on air quality and also describes initiatives which have been put in place to reduce air pollution. Despite these initiatives the report does highlight concerns about the potential for planned developments to exacerbate the air pollution in Perth. The report recommends that the proposed Cross Tay Link Road (CTLR) should alleviate the traffic congestion which is giving rise to much of the air pollution.*

*I note the good work which has been underway in Perth to engage the community, commuters and visitors in using alternative forms of travel to reduce air pollution. Whilst these are worthwhile and will improve health both through reducing air pollution and increasing the uptake of active travel options, they cannot alone reduce air pollution levels if increases in traffic volume is predicted.*

*I would support the proposal to seek assurances that no further developments will go ahead before the CTLR is built.”*

**Bridgend is an AQMA with acknowledged above regulation pollution levels. In Scone measurements carried out by SDCC, using the same assay as PKC, have shown levels of 40 for NoX on the A94 in the area of the post office.**

**Accordingly to comply with legislation on air quality and health of communities, no consent can be granted for a development which will, by its very position, increase traffic and thus pollution through an already compromised area. Any increase in traffic will increase the levels of noxious fumes.**

### Scottish Government approved Report “Empowering planning to deliver great places – A Review of the Scottish Planning System”

Whilst a review is imminent, the mantra of this is based on **“Infrastructure First”**.

The mantra would mean, in respect of this Development, that the **CTLR must be completed and open to the public along with school buildings, medical facilities and other items of key infrastructure, before any houses are built.**

**As infrastructure such as schools, medical facilities and the CTLR are not in place permission should not be granted until the infrastructure is constructed.**

### Phasing Plan and Illustrative Master Plan

Both of these drawing commence on an inaccurate basis as they present the Cross Tay Link Road incorrectly, in that –

- The indicated position of the A94 is not in compliance with the route agreed by the Full Council on 14<sup>th</sup> December 2016. The correct location is overlying the existing A94 and **NOT** as shown on the applicants drawings.



## Planning Application 16/02127/IPM

### Comments on General matters (Contd)

- These drawing indicate an additional roundabout on the Cross Tay Link Road at the western side of Phase 4. There is no roundabout included on the CTRLR plans agreed by the Full Council.

**Therefore the proposed development as shown on these plans should be rejected.**

### Perth & Kinross Council Briefing Note 16/560

Paragraph 1.32 clearly states that *"the case for the road is completely separate"* and also paragraph 1.3 clearly states *"The project will ... alleviate the conflict between local and through traffic"*.

The proposed introduction, by the Developer, of the additional junction, only some 500m from the A94 junction, appears to be totally non-compliant with the briefing notes presented to Council.

**Therefore the incorporation of this junction must be rejected.**

There have been mixed responses to correspondence regarding the CTRL in respect of traffic through Scone.

The applicant uses the premise that use of the CTRLR will be sufficient to remove the need for full traffic surveys to be considered, however PKC have made contra statements that the use of the CTRLR will not affect Scone. PKC have stated:-

*"The purpose of the CTRLR is to address problems of traffic congestion and associated air quality problems within Perth. Its stated purpose is not to improve traffic levels in Scone or to discourage large goods vehicles from travelling through that settlement."*

**Until clarification of these discrepancies can be provided, no relevance should be given to the applicants submissions regarding traffic.**

**A full AQ assessment must be carried out or any permission must be refused until such time as this failure of the consultation is rectified.**



## **Planning Application 16/02127/IPM**

### **Pre application Consultation**

The applicant's submission includes a Pre- application Consultation Report, which should be in accordance with The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006.

The Scottish Government advice on the content of the PAC Report is provided in Circular 4/2009.

Paragraph 2.8 which suggests, as a minimum, that the PAC Report should include the following:

- Specify who has been consulted.
- Set out what steps were taken to comply with the statutory requirements and those of the planning authority.
- Set out how the applicant has responded to the comments made, including whether and the extent to which the proposals have changed as a result of PAC.

However the application only includes Tables 1 and 2 listing the comments received, by topic, type and number, for public events 1 and 2.

The applicant has made no attempt to indicate what actions he has taken, in respect of the detailed comments received and any changes he has made to his application as a result.

**As such it is NOT apparent whether the public events were of any significance and whether any cognisance had been given as a result of the comments received. This omission must be rectified to allow a true record of the "consultation" to be in place prior to assessment of the submitted application to proceed.**

The notes of the second public event included that a display board 6, Enhanced Western Gateway Option, had been included.

We are extremely concerned about the inclusion of the display board for the following reasons:-

- The area involved lay out-with the area designated in the LDP as H29 and as such was not relevant to the site as given in the PAN documentation.
- The area involved lay within the Greenbelt as designated in the LDP.
- The Board 6 presentation deliberately included schematic information, which is much more readily understood by the public than the plan information.

We consider that the use of display board 6 distracted public interest in the other display boards at the event and potentially affected the public response.

The other display boards were presented in the plan format which is:-

- Difficult for the public to understand.
- Failed to provide much increased detailed information, which had been requested from first public event.

**The Applicant did not carry out the "Consultation" correctly and has submitted an inadequate and incorrect Pre- application Consultation Report as they included an area out-with the area zoned as H29. This omission must be rectified to allow a true record of the "consultation" to be in place prior to assessment of the submitted application to proceed.**



## Planning Application 16/02127/IPM

### Planning Supporting Statements

In the Supporting Statement, section 2 of 4, on page 34, paragraph 6.23 states:-

“The proposed development provides for land for a new primary school and also the potential for a new community/neighbourhood hub *adjacent allowing flexibility for new community uses and facilities to come forward in this location based on market demand at this time.*

These uses will be of social benefit in terms of creating new community facilities and sustainable new communities. *The commercial use of the new community/neighbourhood hub would bring about local economic benefits and job creation.* The new school would also result in job creation”.

The “Hub” proposal is not indicated on any of the applicant’s plans and have grave doubts regarding:-

- The provision of sufficient space in the vicinity of the proposed school for any additional uses.
- The creation of a “community hub” remote from the village centre.
- The idealised statement of “commercial use” and “job creation” as no indication is given as to the likelihood of any such planned activities.

In the Supporting Statement, section 2 of 4, on page 38, paragraph 7.13 states:-

“The Transport Assessment (TA) was undertaken by JMP Consultants Limited and the scope agreed with PKC. The site is allocated in the LDP which allows for the development of 700 residential units. Of the aforementioned total, the LDP allows for the development of 100 units prior to PKC’s commitment to construct the Cross Tay Link Road. As PKC is satisfied that the impact of the full Scone North LDP allocation on the existing network can be mitigated through a financial contribution towards the CTRL as detailed in the *Developer Contribution Supplementary Guidance*, this TA therefore only considers the impact associated with the proposals to bring forward the first phase of 100 residential units.”

**At a recent court case in Aberdeen a judgement was handed down, against Aberdeen Council, that “planning obligations should not be used to extract payments which are not directly related to the proposed development” and that infrastructure plans for any part of major development must contain infrastructure plans for the full major development.**

**It would therefore appear that the proposals as given are in breach of this judgement, unless the applicant, as sole developers are intending to fund this part of the CTRL completely.**

## **Planning Application 16/02127/IPM**

### **Planning Supporting Statements (Contd)**

In the Supporting Statement, section 2 of 4, on page 45, section 8.5, paragraph 3 states:-

“Three non-designated post-medieval heritage assets were recorded within the site, including a former quarry (Site 110), a well (Site 111) and a footpath (Site 112). The EIA assessment considered these to be of “negligible importance”. The predicted effects would be of “minor moderate significance” as it is proposed to record the assets, *through an agreed Scheme of Written Investigation with PKC, including evaluation by trial trenching*”.

Written evidence from the local Heritage Trust suggests that this site is likely to have important historical remains within it. As such we are concerned about the wording of the above statement in respect of:-

- What agreement has been made with PKC?
- What trial trenching regime is proposed?
- What area of the overall site will be trial trenched?
- Will trenching and evaluation be carried out in advance of granting any consent?

**Clarification of the above matter must be provided and such required works completed in advance of the granting any consents.**

**Agreement as to the required investigation should be made in cooperation with the local Heritage Trust.**



## **Planning Application 16/02127/IPM**

### **Environmental Statement General Comments**

ES Chapter 1 – Introduction & Background, in the Screening Report, para 4.1 states:

“The Perth Housing Land Audit 2015 identifies Scone North (Site ID PEL269) as effective for 120 houses and sets out a realistic programme of delivery of the first housing units in 2017.”

**We would question the figure of 120 houses which appears? This is contradictory to any other reference and must be removed from the application in order to avoid any confusion.**

ES Chapter 2 – Environmental Impact Assessment Regulations contains the PKC Scoping Report, which in page 10, Para 2.2.5 states:-

“Paragraph 14 of Circular 3/2011: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (“Circular 3/2011”) confirms “Where the EIA procedure shows that a project will have an adverse impact on the environment, it does not automatically follow that planning permission must be refused. It remains the task of the planning authority to judge each planning application on its merits within the context of the Development Plan, taking account of all material considerations, including the environmental impacts.”

**From further viewing of the Environmental Statement it is apparent that, despite it being a Major Development, PKC have in a number of topics deemed there to be no adverse impact.**

**Examples of this can be found in the Masterplans 1 – 5 where findings for 100 houses have been extrapolated to 700, which is clearly inappropriate.**

**In accordance with the LDP a Masterplan is required for the full 700 house development and this application fails to address many environmental issues for the full development.**

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 19, states:-

“Further surveys shall be undertaken to record presence or absence of all species, whether protected or not, on the site and should including a 750m buffer (subsequently amended to 100m) around the site for raptors and 250m for all other species. All surveys must be undertaken at the appropriate times of year”.

**The buffer zones quoted are there for a reason and should not have been reduced.  
No explanation for this boundary change is included nor reasons provided for the minimum requirements not being adhered to, nor that the surveys were not undertaken at the appropriate times of year.**

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 19 states:-

"PKC has confirmed that the air quality assessment can be scoped out of the ES."



## Planning Application 16/02127/IPM

### Environmental Statement General Comments (Contd)

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 24 para 2.6.10, states:-

"The associated Transport Assessment for the development has determined that the Air Quality Assessment (AQA) screening threshold (5% (in AQMA) /10% (outside AQMA) change in AADT) will not be breached on any roads within the AQMA with the addition of 100 units at Scone North. The 100 units will generate Approximately 60 outbound trips in a typical morning peak, with the anticipation that approximately 80% will route via Bridgend i.e. 48 trips, which is less than 1 trip per minute. The CTLR, on current predicted timescales will likely be in place prior to the full initial 100 unit build out."

**Both above statements are made without justification and raise a number of concerns:-**

"... approximately 60 outbound trips in a typical morning peak, ..." Where does this figure come from? Is there a data study or academic paper? What are the hours of the morning peak?

"... that approximately 80% will route via Bridgend i.e. 48 trips, ..." Traffic can only re-route to Blairgowrie, Coupar Angus or Dundee via Abernethy. Where does 80% come from?

**In our opinion for 100 houses, most of which will be two car users, with say three out of four travelling through Bridgend it would seem that 100 trips x 2 are more likely.**

The AADT (Annual Average Daily Traffic or sometimes AADF (Flow)) can be found on the Department for Transport Traffic Counts site and for Main Street, Bridgend in 2015 was 17,185, although no hourly breakdown is published. For a 5% daily increase would require 859 further vehicle movements each day. The arithmetic gives 96 peak hour trips (a.m. and p.m.) plus trips outside the peak hours.

If we assume 250 trips at each of a.m. and p.m. peak hours plus 359 at other hours, this would require approximately 500 houses to generate that number of trips by the original arithmetic to reach the 5% threshold, ie 48 trips at a.m. peak from 100 houses.

It would appear that, by the applicant's reasoning, 48 trips would certainly be less than a 5% increase in AADT within the AQMA .

**However, no matter the actual numbers used, NO INCREASE should be allowed into the Bridgend area, which is presently over the legal limits for pollution and also leads thereafter into the Atholl Street pollution area.**

At the Council meeting on 14th December 2016, Jim Valentine quoted a build rate of 30 per year while this report suggests 20 to 25 per year.

Starting in 2017 the first 100 will be built before the optimistic finish date for the CTLR at the end of 2022, however it is conceivable that A&J Stephens could make further applications, if the CTLR becomes a committed Project, with traffic continuing to exit onto Stormont Road and the A93 without access to the unfinished CTLR.

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 21 states:-

**SEPA confirms that an AQA should be undertaken, however this compares to statements, by the applicant, that any increase is described as "negligible".**



**Planning Application 16/02127/IPM**

**Environmental Statement General Comments (Contd)**

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 24, para 2.6.12 states:-

"The potential to scope out a full Air Quality Assessment was deemed necessary due to the fact that air quality considerations were included in the Air Quality section of the Stage 2 Design Manual for Roads and Bridges (DMRB) Assessment for the CTLR, which provided air quality impacts from a global Local Development Plan perspective (the LDP allocating 700 units at this location). The report acknowledged from the findings of this Assessment how it is expected that Perth-wide Air Quality is improved by the construction of the new road and that the Bridgend area will be a key benefactor of the CTLR, in air quality terms. The beneficial air quality evidence from this study therefore supports the scoping out of any further AQA in relation to the proposed residential development at Scone."

**It would appear therefore that there would be no AQA requirement for further development after the first 100 houses because of the DMRB's broad assumptions. In fact the Masterplan should, as required by the LDP, include a full AQA for the full development before any planning consent can be considered.**

**The assumption by the applicant that the CTLR will alleviate any AQ concern is not sufficient as it is in conflict with advice given to Scone from the planning department.**

**Permission cannot be granted until there is a full understanding of the impact of this development on Scone.**

ES Chapter 2 – Environmental Impact Assessment Regulations, Page 24, para 2.6.13 states:-

"Local air quality in the vicinity of the road links adjacent to the proposed development is generally good. Nitrogen Dioxide levels are well below the Objective levels - the diffusion tube monitoring for the month of August 2016 at the recently introduced 30 Perth Road Scone site recorded an NO<sub>2</sub> concentration of 18.5 microgram per cubic metre. Given this existing 2016 low value baseline for NO<sub>2</sub>, the introduction of the development is not envisaged to have significant impact on local air quality in the Scone area by the 2033 Phase 2 full build out."

**The measurements of NO<sub>2</sub>, by JMP consultants to the applicant, are so much lower than the Friends of the Earth measurement at a similar location, which we would question.**

**The critical levels given for our guidance is 40 when serious pollution starts.**

**In addition we would question the timing of the JMP testing, which was carried out in August when schools and people in general are on holiday. The inadequate environmental report must be redone appropriately and permission cannot be granted based on inadequate surveys.**

There is a long submission from SEPA which raises their concerns about Air Quality suggesting that an AQA is required since increased journeys will raise Carbon Dioxide levels. Their Para 3.5 states:-

"Scottish Planning Policy sets out an approach to integrating transport and land use planning by supporting a pattern of development and redevelopment that "reduces the need to travel and as a consequence reduce emissions from transport sources". It also states that "Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements."



## Planning Application 16/02127/IPM

### Environmental Statement General Comments (Contd)

Also SEPA state in their para 3.6:-

"In addition, increasing congestion would also be detrimental to air quality within the city's Air Quality Management Area (AQMA) and restrict opportunities for any further bus priority and cycling and walking enhancements that would encourage sustainable travel. Therefore, not only would gridlock of the local transport network cause congestion and lead to environmental problems, it may also harm the future economic development of the city and wider region development."

ES Chapter 2 – Environmental Impact Assessment Regulations continues with a series of confusing and conflicting correspondence culminating in the following statement from PKC:-

"The Council ecologist is relatively comfortable with the recommended approach from the appointed ecologist. We can confirm and agree it is specifically protected species and breeding birds where attention should be focused. Whilst a 50 metre buffer (instead of 250m) into the woodland area may be adequate in terms of satisfying minimum standards, we would continue to recommend that the buffer could at least be extended to 100 metres; particularly given the known local interest in this wooded area and the previously discussed evidence of pine marten and other mobile protected species such as red squirrels, which could be potentially affected on the outskirts of the 50 metre buffer. Whilst we cannot enforce we would recommend that it may be in your client's interest to extend the buffer up to 100 metres, instead of the 50 metres now proposed (and the recommended 250m up and downstream of the site boundary along any watercourses for species such as otter and water vole)."

**Such large reductions to the buffer zones must render these surveys invalid and in addition note that in some cases even the reduced buffer zones were not surveyed.**

### ES Chapter 3 – Proposed Development

This Chapter provides a description of the Project, along with the proposed Construction Environmental Management Plan.

*ES Chapter 3 – Proposed Development, page 37, para 3.6.3 states:-*

"The Proposed Development constitutes a minor departure from the Development Plan, due to a relatively small variation in the planning application boundary at the extreme western part of the site compared to the LDP boundary. The application boundary is essentially broader, north to south, at this part of the site, in order to assist with the provision of additional land to increase the size of the rear gardens of the existing properties on Harper Way".

**We note that the applicant is proposing to depart from the LDP, which has been clarified by PKC Council Legal Services as being legally binding. Such variation proposals must be treated in a consistent manner and therefore this proposal must be rejected.**



## Planning Application 16/02127/IPM

### Environmental Statement General Comments (Contd)

ES Chapter 3 – Proposed Development, page 50, para 3.10.7 states:-

"The normal hours of operation for the construction works shall be between 7:30 and 18.00 Monday to Friday and 7.30 to 15.00 on Saturdays. No works are planned to occur within the site on Sundays or public holidays."

**The proposed working hours are unreasonable, owing to the proximity of existing residential properties.**

**In line with general construction projects working hours from 8.00 a.m. to 5.00 p.m., Monday to Friday would be sufficient. In addition these hours should be enforceable**

ES Chapter 3 – Proposed Development, page 61, para 3.11.12 states:-

"The masterplan and proposed infrastructure details ensure that the design of internal streets will provide quick, easy, safe and convenient access throughout the development and beyond. New pedestrian routes will be provided [to] ensure that properties are within 400m of local public transport routes, which are immediately adjacent to the development."

**We dispute this broad statement as the only bus service to the west of Stormont Road is the infrequent No.3, which will be considerably further than 400m.**

**In addition the entire Phases 1 & 2 will be further away from Angus Road than 400m**

ES Chapter 3 – Proposed Development, page 42, para 3.7.1 states:-

"Integration with the existing village, woodland and countryside at existing points of access and egress" And this along with the comments in the Masterplan, incorporate the use of both Highfield Road and Spoutwells Road to facilitate the access to the village centre.

**We are concerned that both these roads are private roads and have no vehicular access to the proposed development. Also they have little or no footpaths, which are not treated in the winter period. As such we are concerned that the applicant could encourage the creation of a safety hazard. Permission cannot be granted based on these inadequate surveys.**

ES Chapter 4 – Planning Policy Context

ES Planning Policy Context, page 64, Para 4.3.2 states:-

"Scone is identified as a Principal Settlement (Tier 1) within the Perth Core Area. Tier 1 settlements are identified as having the potential to accommodate the majority of the region's additional development and make a major contribution to the region's economy. TAYplan indicates the Green Belt will sustain the identity of Scone and the boundary is drawn around the settlement and the application site."



## Planning Application 16/02127/IPM

### Environmental Statement General Comments (Contd)

**We are concerned that the statement "*the Green Belt will sustain the identity of Scone and the boundary is drawn around the settlement and the application site*" is not in accordance with the proposals by PKC in the MIR for LDP 2, which proposes to decimate the Greenbelt at this location and even remove the distinct settlement boundary.**

**As such the applicant must be made to review these statements or else the application must be rejected.**

ES Planning Policy Context, page 65, Para 4.3.4 states:-

"The Perth & Kinross Local Development Plan (PKLDP), 2014 recognises that Scone has a very good range of community facilities and excellent public transport links to Perth"

**These statements are not reflective of the correct position relative to Phases 1, 2 and 3. The current range of community facilities are not meeting the requirements of the current population and require expansion prior to the commencement of any development.**

ES Chapter 12 – Summary of Environmental Impact

ES Chapter 12 summarises the environmental effects, mitigation and residual impacts of the development and, apart from the loss of arable grassland every other negative effect is classed as low, negligible or non-significant.

However the few so called "positive" effects are classed as Moderate.

ES Chapter 12, on page 343 under Disturbance / Displacement of avian species, states that the impact is "Increased presence of people and pets" which is classed as Low.

**We would note that the greatest loss of garden birds is due to domestic cats and the RSPB does not class this as Low, however it is in fact significant.**

ES Chapter 12 – Summary of Environmental Impact, on pages 358 and 359 describes the gathering of traffic data, but does not actually provide such data.

ES Chapter 12 – Summary of Environmental Impact, page 359, para 12.8.8 states:-

"Traffic from the proposed development at North Scone results in a 'negligible' increase in traffic volume on the local road network (in accordance with IEA guidelines) including Stormont Road, A94 Angus Road, A93, A85, West Bridge Street and the CTRL. On this basis no detailed assessment of the Environmental Impacts of the development was required. As a result all of the impacts on the aforementioned road links, resulting from the proposed development, are considered to be not significant."



**Planning Application 16/02127/IPM****Environmental Statement General Comments (Contd**

We consider that such sweeping statements are totally incorrect, based on local knowledge and experience.

The applicant must be made to carry out realistic traffic monitoring for a substantial period, and at an appropriate time outwith holiday periods, to correctly reflect the true situation and not the applicants assumed best case.

Owing to such inaccurate statements we consider that the application must be rejected.

**Planning Application 16/02127/IPM****Environmental Statement General Comments (Contd)****Telecommunications Equipment**

Scottish Planning Policy in respect of Communications Infrastructure, under policies 248 & 249, notes that particularly the siting and design of electronic communications infrastructure, such as base stations for mobile phone networks equipment, is a matter for the planning system in Scotland.

Development management decisions should, for all components of the equipment, be achieved in a way that keeps the environmental impact of communications infrastructure to a minimum.

Scottish Planning Policy 53 notes the options to be considered when selecting sites and designing base stations and installation of equipment and Scottish Planning Policy notes that equipment should be designed and positioned as sensitively as possible, and Planning authorities should take the cumulative visual effects of equipment into account when assessing new proposals.

Planning Advice Note 62 Radio Telecommunications provides advice on siting and design.

Whilst consent for the existing telecommunication installation on the site will have been previously approved, the surrounding to the current installation are changing and it is to include residential and educational accommodation.

As such it is essential that emissions of radiofrequency radiation are controlled and regulated under other legislation.

The applicant should be required to demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission should be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation.

**The applicant has made no attempt to report on this matter as part of the Environmental Impact Assessment. We consider this to be an essential aspect of any EIA report and the application should be refused unless a satisfactory report is included in any application.**



**Planning Application 16/02127/IPM**

**ES Cultural Heritage & Archaeology**

Cultural Heritage & Archaeology, page 76, para 5.2.7 states:-

“The site was subject to a walkover survey, which was undertaken on Thursday 7th July, 2016. Site visits for the setting assessment were undertaken on Thursday 7th July and Thursday 14th July, 2016. The walkover survey was limited to existing tracks, field edges and tramlines through the crop as the Proposed Development site was largely planted with crop. It would seem that timing is hugely significant.”

**It was incorrect to select a cropping period for a field survey at the incorrect season and therefore this should have been reassessed by experts, when access was available.**

Cultural Heritage & Archaeology, page 91, para 5.2.34 states:-

“ .. there is the potential for hitherto unknown archaeological remains to survive within the Proposed Development site and to be disturbed by the works associated with the Proposed Development”.

Cultural Heritage & Archaeology, page 139, para 5.8.4 states:-

“ There is also potential for presently unknown archaeological remains, in particular of prehistoric date, to survive within the Proposed Development site. As such the local planning authority is likely to require an archaeological evaluation by trial trenching. The purpose of the trenching will be to identify any archaeological remains that would be affected by the Proposed Development, to assess their significance and to mitigate any effect upon them either through avoidance or, if preservation in situ is not warranted, through preservation by record. If significant archaeological remains are encountered, and cannot be preserved in situ, further fieldwork, potentially including full excavation, post-excavation analysis and publication, may be required. Details of the scope of mitigation required will be agreed in consultation with Perth and Kinross Heritage Trust, on behalf of Perth and Kinross Council, through a Written Scheme of Investigation post-determination.”

**The applicant has assumed that no trial trenching will be required in advance of the grant of any consent.**

**Such an assumption should not be permitted as there is a potential for finding hitherto unknown features. Particular concerns are raised by the applicants statements regarding a start on site in 2017.**

**Restrictions must ensure that such investigations are carried out and reports circulated to all interested parties, in advance of the grant of any consent.**

**Planning Application 16/02127/IPM**

**ES Cultural Heritage & Archaeology (Contd)**

Cultural Heritage & Archaeology, page 104, para 5.4.4 states:-

“The setting of Scheduled Monuments is also a key consideration when determining applications. This principle is outlined in SPP *“Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development”*

**The Council (PKC/LDP) will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.**

**It essential to ensure that such investigations are carried out before any development starts and those results are made available to all interested parties prior to the development commencing.**



## **Planning Application 16/02127/IPM**

### **ES Noise**

Exposure to noise constitutes a health risk, represents an important public health problem that can lead to hearing loss, sleep disruption, cardiovascular disease, social handicaps, reduced productivity, impaired teaching and learning, absenteeism, increased drug use, and accidents. It can impair the ability to enjoy one's property and leisure time and increases the frequency of antisocial behaviour. Noise adversely affects general health and well-being in the same way as does chronic stress. It adversely affects future generations by degrading residential, social, and learning environments with corresponding economic losses.

The applicant has carried out a noise assessment which has identified three main points:-

- They have ascertained that the noise from the aerodrome is negligible.
- They have identified that there will be significant noise impact to houses built facing the CTRL but not on the A94.
- They have given little cognisance to the proposed school location adjacent to the CTRL.

**Monitoring appears to have been carried out in a single day and its relevance to the overall position must at best be questionable.**

**The effect of noisy traffic coming through Scone before the CTRL is built must be evaluated before any permission is granted.**

**Further there has been no assessment of the noise the development traffic will cause, or of the building operations themselves.**

**Consideration should be given to the erection of acoustic screening to the residential edge of Scone, whilst the development continues.**

The applicants suggested options for mitigating the noise are:-

Para 11.6.4 states:-

“An acoustic barrier in the form of an acoustic fence or bund should be used to reduce noise levels within any outdoor amenity areas i.e. rear gardens that front the A94 or CTRL.

A noise model indicates that a 2.5m high acoustic barrier should be sufficient to achieve acceptable limits within external amenity areas such as rear gardens.

Sound attenuation barriers would be subject to final confirmation following detailed design of the proposed development”.

Para 11.6.5 states:-

“Where noise sensitive rooms such as bedrooms front the A94 or CTRL then, window design should be considered as a means of noise mitigation.

It should be noted that although this option assumes windows closed however there must be appropriate alternative ventilation within the room and windows should remain openable for rapid or purge ventilation, or at the occupant's choice”.

**Planning Application 16/02127/IPM**

**ES Noise (Contd)**

The applicant appears to assume that residents have no wish to open windows, other than for purging purposes, even in summer periods.

**Overall the matter of noise appears to have been treated in such a manner, with scant regard to the health risks involved. As such we consider that this aspect should re-assessed prior to granting of any planning consent.**

**In Masterplan, vol 3, page 6, para 7 states:-**

*“Overall the noise climate, within the vicinity of these roads, does not meet the noise limits likely to be acceptable to Perth and Kinross Council due to the proximity of road infrastructures and mitigation is therefore proposed.*

*As the proposed development is at the concept stage a number of options are available to reduce noise levels to acceptable levels when considering the detailed design.*

*These options include consideration of site design and internal layout, window design and/or installation of acoustic barriers.*

*Incorporation of appropriate noise mitigation measures at the detailed design stage will ensure noise levels are within acceptable limits during the day and night time period therefore the site is considered suitable for residential development in relation to environmental noise”.*

**We note from the above that current noise is above acceptable levels.**

**However, despite this, the applicant provides no firm plans regarding mitigation, but provides simply a list of things to consider.**

**The applicant provides no firm proposals for the protection of the well being of the village, when the already unacceptable noise levels would become worse by their intended development. As such the submission is totally unsatisfactory and the application must be refused.**



## **Planning Application 16/02127/IPM**

### **ES Landscape**

Under the Perth & Kinross Council Scheme for Establishment of Community Councils, Community Councils have a Statutory Right to be consulted on Planning Matters.

In the ES Chapter 7 document, under heading 7.2.12, it states that initial assessment of the potential of the visual receptors was submitted to the planning authority and Statutory Consultees to support a transparent and informed discussion to agree a scope. No such submission was made to Scone CC.

Under the headings 7.4.2, 7.4.8, and 7.4.11 the applicant makes generalised statements regarding protection and enhance existing woodlands; retaining and enhancing green networks and identifying additional green infrastructure and safeguarding the integrity of natural assets.

We consider that these generalised statements require to be much more specific to provide confidence that these aspirations will be achieved.

Our concerns are borne out by the applicant's notes regarding "further assessment required" in respect of aspects from:-

- The Sidlaws
- Scone Palace
- Residential receptors
- A94
- Core paths in Sidlaws and Deuchny
- Core paths 123, 10, 112, 13

In respect of the applicant's statements, specific to the respective viewpoints, we would comment as follows:-

### **Viewpoints 1, 2 and 5**

These viewpoints are in close proximity to the proposed Development and as such are near to areas indicating the installation of landscape planting at the adjacent development boundaries.

The proposal makes vague referrals to landscape planting and this requires to be expanded upon in this application.

**If any planning consent is granted for the H29 development it should be a condition of consent that these areas of "landscape planting" are completed prior to commencement of Phase 1. In accordance with PKC rules regarding Masterplans being available before any build commences**

### **Viewpoints 3, 4 and 7**

These views from these more distant viewpoints emphasise the development sitting in front of Plantation Woodland, which forms to village boundary and the Greenbelt area, designated in the LDP.

The current Greenbelt was included in the Local Development Plan, which was adopted in 2014, and is intended to give long term confidence to Developers and the general public.

**Planning Application 16/02127/IPM**

**ES Landscape (Contd)**

**In light of the Greenbelt changes, being promoted in the 2016 MIR by Perth & Kinross Council, the applicant should be required to investigate the effects and will require to address any possible implications of these proposed changes. Permission should be withheld until such investigations are completed.**

We have concerns generally that the proposed development will, especially from distant viewpoints, appear as a set of “boxes on the hillside”.

**As such the applicant should provide indicative drawings of his proposals to show how the overall site can be broken up by use of tree planting, changes in house types, changes in house finishes, etc. At present only the front wall of the houses are shown, which gives a false impression of the overall plot sizes and in particular the size of house footprints with the green space to the rear is very deceiving. A full drawing of the 700 plots, including houses, should be provided to avoid any misleading impressions being created**

**Cross Tay Link Road**

The CTLR is indicated on the applicant’s plans, albeit not in accordance with the line approved by Perth & Kinross Council.

The applicant has given no cognisance to any screening or acoustic requirements, related to the CTLR.

The cuttings indicated on the CTLR, may have considerable effects on the residential site along with noise mitigation.

**It is essential that the applicant addresses the landscaping of the CTLR and its effect on his overall landscaping proposals.**



## Planning Application 16/02127/IPM

### ES Ground Conditions, Drainage and Hydrology

#### Ground Conditions

The information derived from the British Geological Society, gives a general indication of the geology on site.

The site is generally overlain by a layer of Glacial Till, comprising firm to stiff poorly sorted silty or sandy clay containing some rocks and boulders.

The layer is of varying depth and generally has a low porosity, which will present difficulties with surface water disposal to ground as it is unlikely to be feasible given the expected ground conditions.

The site general comprises of bedrock of Scone Sandstone, which will form a fairly productive aquifer with the water mainly running in the fractures of the sandstone.

There is also an area where an igneous dyke intrudes, to the rear of gardens along part of Highfield Road.

The flow of water through the fractures can vary, however flows are likely to be greater in the areas on the igneous dyke. In addition the area is likely to be susceptible to ground water flooding, **which can vary greatly dependent upon the thicknesses of overlying till.**

It is likely that any field drainage, currently on site, will be too shallow to deal with any groundwater in the bedrock aquifers. In addition it is likely that any **deeper excavations could penetrate the bedrock aquifers** and have a substantial effect on the site water situation.

As noted by British Geological Society – *“Individual sites will always require more detailed assessments to determine the specific impact on ground water resources.”*

In Chapter 8 Ground Conditions there is a section Site Investigation Report: Phase 1, which indicates in para 7.1.8 the details of intrusive investigations to date.

Also in para 8.1.4 it states that the separate Site Investigation Report: Phase 1 prepared by Allen Gordon LLP is attached as Appendix 8.1 in Volume 2 Part 4.

**The Site Investigation Report was NOT included in the Applicants submission.**

**It is important that more detailed site investigation is carried out over the full site to enable accurate and less general definitive actions to be taken with the overall design.**

The applicant has not given any indication of the potential effects of two major items-

- A. The Cross Tay Link Road, generally to the north of the site.
- B. The main foul sewerage installation.

**Planning Application 16/02127/IPM****ES Ground Conditions (Contd)**

- A. The Cross Tay Link Road is generally in cutting, north of the western section and towards the north of the eastern section.  
In both events, the depth of these cuttings must have some effect on the hydrology of the area as they may **penetrate bedrock and thus potentially the aquifer**.  
As a result it may be that a substantial volume of ground water may be intercepted by the CTRL. While this interception could be beneficial to the Residential site, however the consequent run-off could well affect drainage around Balboughty and also the outfall into the flood susceptible Annaty Burn to the east.
- B. At a meeting in May 2016 the applicant intimated that **ALL** the Foul Sewerage, from the entire site would be discharged towards the western end of the overall site and as such, would be laid in trenches up to 4.5m deep.

As a result these excavations may **penetrate the bedrock and have potential implications for the aquifer**.

**It is important that detailed site investigation over the full site is taken into account, along with consideration of both these major factors, even at this stage of the planning process to enable the overall design to be more definitive.**

**Without such detailed information the applicant's proposals are unspecific and inadequate.**



## Planning Application 16/02127/IPM

### ES Drainage and Flood Risk Assessment (contd)

#### Drainage and Flood Risk Assessment



#### Ground water

The applicant has proposed the above layout for dealing with the groundwater on the full development site, including re-routing part of the catchment area of the Barrel Drain into the Crammock Burn. All these flows to the Crammock Burn will require the suggested attenuation feature/structure designed to control the outfall flows.

**It essential that the attenuation is designed and maintained correctly as it could severely affect the commercial operations at Scone Racecourse, downstream from the proposed development. Currently the Crammock Burn is culverted below the grandstand and entertainment facility.**

The Borehole Prognosis Report from BGS, which details the potential hydrogeology underlying the site, also indicates that the surround area is potentially vulnerable to the presence of artesian groundwater.

Spoutwells Farmhouse suffers from groundwater flooding, probably due to a fracture of the aquifer, which is currently discharged to a ditch, and this is proposed to continue.

New land drainage may need to be introduced north of Highfield Road to minimise the impact of overland flow at existing properties adjacent to the site along with the spring currently flowing in the vicinity of the igneous dyke.



## Planning Application 16/02127/IPM

### ES Drainage and Flood Risk Assessment (contd)

#### Drainage and Flood Risk Assessment (Contd)

##### Groundwater (Contd)

During periods of intense rainfall, pluvial flooding could also occur near the west boundary of the site. A review of the flood routing paths should be undertaken immediately as part of the planning process to ensure that all affected areas are correctly drained.

The applicant has given consideration to a land drain cut-off ditch along the northern boundary of the site, to protect the development from flows from the uphill catchment.

There is an existing drain on the western part of the site which could be refurbished and flows westwards. In the eastern area the applicant is considering the installation of a similar cut off ditch, but this would flow towards the Annaty Burn and potentially become involved with the CTRLR drainage.

**The installation/refurbishment of these cut-off s are important to the overall site and should be installed at a very early stage.**

**The CTRLR has now completed the DMRB Stage 2 process, although no funding is in place for construction, and as such potential conflicts with the residential proposal could be overcome at this design stage.**

**As noted below the Foul Sewerage main pipework will be in part in deep trenches leading to the west. The backfill of these drainage excavations can be modified and utilised as a filter drain to collect groundwater, especially in the area formerly draining to the Barrel Drain.**

**It is disappointing to note that the submission from SEPA only promotes a suspensive condition for the detailed Flood Risk Assessment.**

**In light of the previous problems in the area it is essential that NO APPROVAL is granted until a full assessment has been made then approved by PKC and SEPA.**

#### Foul Sewerage

The applicant has held discussions with Scottish Water, which have identified the need for an assessment of the capacity of the existing infrastructure assets and waste water treatment works.

Initially this may require Scottish Water to pump waste water flows to Stormont Road.

At a meeting in May 2016 the applicant intimated that **ALL** the Foul Sewerage, from the entire site would be discharged towards the western end of the overall site and as such, would be laid in trenches up to 4.5m deep.

**It is concerning that no indications are provided of the Scottish Water proposals, which will be required for disposal from such a substantial development. NO APPROVAL of this application should be granted until a full details of this information is provided.**



## **Planning Application 16/02127/IPM**

### **ES Drainage and Flood Risk Assessment (contd)**

#### **Surface Water**

Scottish Water has confirmed that the site does not lie within an area served by a public surface water sewer and connection to a foul only or combined sewer will only be permitted in exceptional circumstances. Surface water will require to be directed to local water courses following appropriate SUDS treatment. The proposed SUDS basins will require to be designed in accordance with the SUDS regulations prior to SW adoption.

The Glacial till soils on site are of varying depth and generally have a low porosity, which will present difficulties with surface water disposal to ground as it is unlikely to be feasible given the expected ground conditions subject to further testing.

The applicant has stated the potential use of porous paving in areas of driveways etc. however these could at best be utilised as storage and the outfalls connected to surface water sewers.

A comprehensive system of attenuation will be required for surface water as well as ground water disposal.

**It essential that the attenuation is designed and maintained correctly as it could severely affect the commercial operations at Scone Racecourse, downstream from the proposed development. Currently the Crammock Burn is culverted below the grandstand and entertainment facility.**

The applicants submission includes the statement – “A detailed Surface Water Management Plan will be required in order to ensure that the development does not increase the flood risk downstream of the site”.

**It is essential that this Water Management Plan for the entire site is produced at this early stage, to allow the matter to be fully considered as part of this application.**

The applicant has taken virtually no cognisance of the CTLR, which could have either a detrimental or a beneficial effect on residential development in respect of drainage matters.

**Direct liaison with the Cross Tay Link Road scheme is required, at this early stage, to ensure that the cumulative effects of the projects do not increase flood risk.**

**Supplementary Guidance regarding Flooding requires any applicant to provide a satisfactory Flood Plan and NOT simply a set of possible re-assurances.**

**As such the submission does not comply with the Supplementary Guidance and cannot be considered as part of this application.**

**If consent were to be granted, based on this inadequate submission, it would seem reasonable for a planning condition to be inserted to ensure liability for future flooding was made the responsibility of the applicants.**

**Planning Application 16/02127/IPM**

**ES Drainage and Flood Risk Assessment (contd)**

**Surface Water**

We note from the response by SEPA that, in para 2.6, they suggest a suspensive condition that –

“Prior to the commencement of any works, full details of the finalised SIDS scheme for all individual phases of development shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.”

**Full details of the finalised SUDS scheme for all individual phases of development should be submitted for the written approval prior to granting of any consent.**

**This submission should be carried out at the present time and NOT as a suspensive condition.**

We note from the response by SEPA that, in para 2.6 they erroneously state that discharge will be to the Annaty Burn.

The developer' proposals state that **part** will discharge to the Annaty Burn but **part** will discharge to the Crammock Burn.



## Planning Application 16/02127/IPM

### ES Ecology & Biodiversity

ES Ecology & Biodiversity, page 145, Desk and Field Studies, para 6.2 states:-

“In Aug 2016, a desk study was conducted in advance of the field studies being undertaken”.

However it would appear from the following examples:-

ES Ecology & Biodiversity, page 147, Assessment Constraints, para 6.2.5 notes that:-

The extended phase 1 Habitat Survey was *undertaken outside the optimal survey* period for vegetation surveys.

It was considered that while a *comprehensive vegetative list was not obtained*, the flora recorded on site gives a suitable representation of the habitat types present.

During both the extended Phase 1 habitat Survey and the Red Squirrel and Pine Marten Survey, it was *not possible to access all areas* of the woodland within the survey buffers due to the presence of dense gorse and fallen trees.

The woodland was *surveyed where possible* and other areas viewed at a distance using binoculars.

ES Ecology & Biodiversity, page 148, Assessment Constraints, para 6.2.6 notes that:-

Following a review of desk study results and completion of survey work some species were scoped out as no field evidence was recorded including Badger, Brown Hare, House Marten, Barn Swallow, Bullfinch and Linnet.

We would take issue with these comments as in fact a number of these species have been sighted recently.

ES Ecology & Biodiversity, Assessment Constraints, par 6.2.9 notes however that:-

Other species were taken forward including Red Squirrel, Pine Marten, Water Vole, Bats, Barn Owl, Hedgehog and many more. However it would appear that for some of these species the field surveys were not completed.

**It would appear that not all the field studies were completed satisfactorily and for some only desk studies were carried out. As such this would appear to be totally unsatisfactory and these reports should be fully completed prior to consideration for any planning consent.**

ES Ecology & Biodiversity, page 151, Potential Impact on ecology and ornithology post construction states that, post construction there will be increased nesting habitats.

**Such statements are not acceptable as decreased should be the word used here as new saplings would provide no habitats for many years**

## Planning Application 16/02127/IPM

### ES Ecology & Biodiversity (Contd)

ES Ecology & Biodiversity, page 162, Table 6.6 provides:-

A summary of Consultation Responses, which recommended that further surveys should be undertaken for all species including a 750m buffer around site for raptors and a 250m buffer for all other species

However we are extremely concerned that, after discussion with PKC, it was agreed that in general a 50m buffer around the site was suitable for most species with the following exceptions - 250m for species such as otter and water vole and 100m buffer from site boundary for Red Squirrel and Pine Marten. In addition it was agreed that Raptors were not surveyed.

**It is of concern that PKC have so little interest in ensuring that surveys are carried out correctly and that all relevant species are surveyed.**

**The approach by PKC and the applicant, in agreeing to restrict the survey areas and to limit the number of species involved is totally unsatisfactory and must be reviewed and expanded, including raptors, prior to consideration of this application.**

The Tayside Biodiversity Action Plan LBAP Website, referred to on page 166 notes:-

**In respect of the Objectives of Woodland Ecosystems, it recognises the importance of ancient woodland in Tayside by protecting the existing and restoring and reconnecting ancient woodland remnants.**

However on page 166, para 6.5.14 and para 6.5.15 it notes that:-

“The majority of ancient woodland sites described have not been taken forward in assessment due to lack of ecological connectivity to site”.

“The unnamed area of woodland at west of site and Highfield Plantation to the north have not been taken forward due to ecological connectivity to site and potential impact on woodland from the development”.

**The Tayside Biodiversity Action Plan is not being adhered to and as such is unsatisfactory and should not be acceptable when considering this application.**



**Planning Application 16/02127/IPM****ES Ecology & Biodiversity (Contd)**

Taken on a species by species basis we would note the following comments:-

- Otters recorded within 1km south west of site adjacent to Catmoor Burn but survey shows the waterway on site H29 is an unsuitable habitat due to choked waterway with undergrowth, tree roots etc.
- Water Vole no evidence but historical records show then within 1.7km south east of the site, H29 shows potential habitat.

**Water voles have been frequently sighted in this area.**

- Red Squirrels local records indicate presence in woodland to north of site however most of the records are historic.

**We question where are these records taken from and what is classed as 'historic'?**

**We have photographic evidence of red squirrels in gardens in Highfield Road.**

**We are aware that Scone Estates in 2009 received a substantial Government Grant of £18,000 for activities to preserve red squirrel, as part of an ongoing programme.**

No evidence of greys found but feeding stations recorded, 60m from site boundary, but unable to differentiate between grey & red squirrels. Suitable red squirrel habitat present in centre and north of site within 100m of buffer.

- Pine Martins local records indicate presence north of site in 2016 but approx. 1.2km from site boundary. There are limited provisions for dens within 100m buffer as the majority of trees are narrow and straight stemmed. Apparently there is room for dispersal of pine martins and red squirrels to surrounding woodland.

**We are aware of sightings on the development site, in the wooded link near the proposed phase 1.**

- Hedgehogs did not show on records of the 'desk study' (i.e. recent records) within 2km of site, only historical records between 200m and 2.7km of site. There was no evidence in the field survey (conducted on 2nd November 2015!). Again we have photographic evidence of hedgehogs in gardens on Highfield Road and in the H29 field. The report claims they will suffer a loss due to increased traffic but will gain from landscape planting and gardens.

**Hedgehogs hibernate in November and we consider the survey to be inadequate and potentially out of date. We are aware of many sightings in the Highfield Road area.**



## Planning Application 16/02127/IPM

### ES Ecology & Biodiversity (Contd)

- As far as we can ascertain, there is no evidence that the Tayside Bat Group was contacted, however Bats had a thorough study conducted as they are a protected species but the findings show no evidence of roosting on site and indicate that it is a feeding/commuting corridor for them. The consultants have given a number of recommendations for the developer such as bat friendly lighting, no construction work at dawn/dusk, etc.

**We are aware of frequent sightings in the Highfield Road area and consider the survey to be inadequate. The comments regarding no construction works near dawn & dusk would be facilitated by reducing the working hours, noted elsewhere.**

- Barn Owls are listed under conservation status LBAP and affected by the destruction of semi-improved and improved grassland and field margins. Strangely this is deemed important yet noted that this type of habitat is common and widespread in Perth & Kinross, so they can relocate!

**Note this assessment was based on a desk study, based on previous records only with no field study has been undertaken. As currently stated this report is inadequate and requires full modification. Consent cannot be granted based on this inadequate report**

In addition we note:-

- Ancient Woodland 0.54ha at the west of the site will be permanently lost but the remainder will be retained and protected, however it is noted that this area is designated for housing on the P&KC LDP. The 0.54ha of ancient woodland affects red squirrels and pine martins, but the report claims that both of these species have relatively large populations in Scotland with large areas of suitable habitat in Perth & Kinross.

**It is of concern that the survey only provides a snapshot of field signs present on the site during November 2015, when conditions were described as "foggy" and 11 degrees centigrade to be exact. It is questionable what plant, fauna, nesting birds, wildlife are present in November.**

**In addition, statements that "It was not possible to fully access woodland within 50m buffer due to dense gorse and fallen trees" and that "An assessment of aerial photographs prior to the survey apparently indicated a lack of complex habitats on the site therefore allowing a phase 1 habitat survey to be undertaken outwith the optimum months of April to September".**

**As a result the surveys were of a completely inadequate nature and as such are unacceptable and inaccurate and as such must be unacceptable as part of this application.**



## **Planning Application 16/02127/IPM**

### **ES Traffic, Transport and Air Pollution**

The Applicant's submission appears to focus on the potential first phase of 100 houses and not for the overall development of 700 houses.

The report indicates that, despite statements in the LDP, regarding a formal assessment of the effects of the 700 houses the applicant has not completed this.

The report notes that, following meetings with PKC, it was agreed that such a scope was not needed.

**Previous discussions have taken place with PKC, regarding the LDP, and at all times PKC have stated that the LDP cannot be legally changed. As such therefore the report, related purely to 100 houses, is incorrect and inadequate and must be completed correctly for the 700 houses in order to allow this application to proceed.**

ES Chapter 10, Traffic Transport, para 10.2.5 states:-

The guidelines advise that the assessment of transport effects of a development should include the mitigation measures that are proposed to be implemented. The guidelines set out a list of environmental effects which should be assessed for significance:

- Noise and vibration (has been dealt with separately by the ES);
- Air pollution, dust and dirt (has been dealt with separately by the ES);
- Severance;
- Driver delay;
- Pedestrian delay;
- Pedestrian amenity;
- Fear and Intimidation; and
- Accidents and safety.

ES Chapter 10, Traffic & Transport, para 10.11.3 states:-

Based on the criteria (i.e. Rule 1) set out in the Guidelines for the Environmental Assessment of Road Traffic, the increase in traffic associated with the proposed development has a 'negligible' environmental impact on the basis that the maximum impact on any link does not exceed 30% (i.e. a maximum of 26% on CTRL West A93).

On this basis, and given that the development will not generate significant levels of HGV traffic during its operational phase, a detailed environmental assessment will not be required.

ES Chapter 12 – Summary of Environmental Impact, page 359, para 12.8.8 states:-

"Traffic from the proposed development at North Scone results in a 'negligible' increase in traffic volume on the local road network (in accordance with IEA guidelines) including Stormont Road, A94 Angus Road, A93, A85, West Bridge Street and the CTRL. On this basis no detailed assessment of the Environmental Impacts of the development was required. As a result all of the impacts on the aforementioned road links, resulting from the proposed development, are considered to be not significant."



**Planning Application 16/02127/IPM**

**ES Traffic, Transport and Air Pollution (contd)**

**It is of concern that, although in the above it notes the need for Air Pollution, etc. to be dealt with separately, the overall assessments carried out to determine the applicable criteria, must on current evidence be faulty, as they were carried out deliberately during the holiday period.**

**The limited amount of measurements made were carried out at unusual timings and do not accurately reflect the true position.**

**The term negligible does not reflect the mandatory position, especially in respect of air quality matters, and as such the report requires to be re-evaluated.**

**On the basis of the Health grounds of our community this application, based on the above premise, must be rejected.**

ES Chapter 10, Traffic & Transport general comments:-

Little cognisance is taken of **delays**, however we believe that delays can be substantial and we have evidence in light of 5hr delays when 2<sup>nd</sup> bridge shut. In addition 'normal' traffic through Bridgend can generally incur delays of 20mins.

Little cognisance is given to **accident statistics**, however we believe that these statistics are not reflective of the total number of 'incident' which occur but are not always reported to the police. As such the statistics do not accurately show the accident rates. **We are aware of many "minor" accidents, which are not necessarily report to the police and as such do not feature in the statistics.**

In their submission the applicant acknowledges that there will be HGV traffic associated with the development. However when they attempt to model this, it indicates a 0% increase in HGV traffic.

**The 'modellings' cannot be relied upon and appear to have no background in good science.**

The applicant includes in his submission a Highfield Roundabout on the CTRLR, however we are aware that the line of the CTRLR, which was presented to a full Council meeting on 14/12/16, clearly stated that "this junction was not part of the CTRLR".

Indeed the briefing report to Council 16/560, for the above meeting clearly states that "the case for the road is completely separate" and also that "The project will ... alleviate the conflict between local and through traffic".

**The applicant is erroneously assuming that he can take access to and from the CTRLR, which is totally contrary to the Council briefing notes and approvals.**

**As such the applicant must be required to reassess the traffic proposals in light of the Council Decision and remove the Highfield Roundabout from his plans.**



## Planning Application 16/02127/IPM

### ES Traffic, Transport and Air Pollution (Contd)

ES Chapter 12 – Summary of Environmental Impact, page 359, para 12.8.8 clearly states that “no detailed assessment of the Environmental Impacts of the development was required”.

The LDP however recognises the problems with congestion and pollution at Bridgend and Perth generally, which is the reason behind the CTRL ‘embargo’ and it should therefore be impossible for any responsible applicant to dismiss this serious concern.

In addition we would draw attention to the written submission from Dr Drew Walker, Director of Public Health, NHS Tayside in which he makes the following comment:-

*“The P&KC Air Quality Report provides updates on air quality and also describes initiatives which have been put in place to reduce air pollution. Despite these initiatives the report does highlight concerns about the potential for planned developments to exacerbate the air pollution in Perth. The report recommends that the proposed Cross Tay Link Road (CTRL) should alleviate the traffic congestion which is giving rise to much of the air pollution.*

*I note the good work which has been underway in Perth to engage the community, commuters and visitors in using alternative forms of travel to reduce air pollution. Whilst these are worthwhile and will improve health both through reducing air pollution and increasing the uptake of active travel options, they cannot alone reduce air pollution levels if increases in traffic volume is predicted.*

*I would support the proposal to seek assurances that no further developments will go ahead before the CTRL is built.”*

The applicant states that traffic levels will decrease after CTRL and as such, bearing in mind the advice from NHS Tayside. It would be correct in our opinion to wait until the CTRL is built, in order to comply with Health and Safety demands, before any development can take place.

It is of concern that, in assessing the traffic and transport aspects, the applicant has made little or no comment on the protracted use of the single access onto Stormont Road. This is likely to be the sole access for at least 5 years and leads onto a road which is:-

- Currently a rat-run to avoid Bridgend complications.
- The predominant traffic flow is to and from the A93.
- The current road is not a standard width for 2 way traffic, is basically unkerbed and has no footway.

The Traffic and Transport report requires to be repeated to include this aspect, before any consent can be considered.

Bridgend is an AQMA with acknowledged above regulation pollution levels and also in Scone it has been shown levels of 40 for NoX on the A94.

Accordingly to comply with legislation on air quality and health of communities, no consent can be granted for a development which will, by its very position, increase traffic and thus pollution through an already compromised area. Any increase in traffic will increase the levels of noxious fumes.



**Planning Application 16/02127/IPM**

**ES Traffic, Transport and Air Pollution (Contd)**

**Contractor's Site Access**

ES Chapter3 Page 42 Para 3.7.1 states:-

**Movement & Connections**

Retention and enhancement of existing core path network encouraging sustainable forms of travel;

ES Chapter 3 (2of2) CEMP states:-

**d. Site Access & Movement of Plant/Staff on Site**

Access to the site compound shall be taken via the A93 Perth to Blairgowrie Road at Balboughty Farm.

The single track road will have sufficient passing places for construction traffic and other vehicles to use.

**The route in question is part of the Core Path network (SCON 30) and as such it cannot be utilised as a site access for reasons of public safety.**

**The use of this as a contractor's access will:-**

- **Cause severe damage to the surface.**
- **Create damage to the Green Belt by the construction of passing places.**
- **Present a major hazard to the public use of the Core Path.**
- **Fail to encourage use of the Core Path network.**

**As such therefore the application must be refused.**

**The applicant has not provided the details of the core paths, for walking and cycling, both within the site area but also the proposed expansion of these facilities. As such the application must be refused.**

We note that within the traffic section no cognisance has been given to the potential traffic associated with the proposed supermarket, which we understand is still planned.

Such traffic would in our opinion be considerable and have a consequential detrimental effect on both traffic volumes and potentially Air Quality issues.

**As such these reports require to be revised to include such pertinent details.**



## Planning Application 16/02127/IPM

### ES Arboriculture

The Tree Survey identifies 162 significant individual trees, within one of ten designated areas, of which:-

- 41 should be removed "in the interests of good tree practice".
- 31 trees are category A, high quality with an estimated remaining life expectancy of at least 40 years.
- 52 trees are category B, of some landscape significance and can be expected to thrive for 20 years or more.
- 38 are category C, of low quality with limited life expectancy.

Works to the designated areas are listed below:-

AREA 1 - Corner of Harper Way/Stormont Road, predominantly Scots Pine, **including 9 mature trees all to be felled** to facilitate road development.

AREA 2 - Forest Road to Old Scone, predominantly Beech, Oak, White Birch, including **15 young and early mature trees to be felled** to facilitate new gateway entrance to site.

AREA 3 - Extreme West of development site, predominantly commercial coniferous forest bounded by a woodland edge of mature trees, predominantly Beech & Oak. No indication on survey what intervention is recommended, though this area is the new gateway to the development.

AREA 4 - Junction of Harper Way/Balboughty farm track, cluster of mature trees predominantly Oak & White Birch, of which **2 are to be felled**.

AREA 5 - Balboughty farm track predominantly Scots Pine, Oak, White Birch and Laburnum, consists of a row of 31 trees of which **7 are to be felled**. In addition pruning & crowning works required to other trees.

AREAS 6/7 - Row of trees running north east of phase 1 of development, consisting mix of Hawthorn, Sycamore, Oak, Ash & White Birch, no felling recommended, remedial works only.

AREA 8 - Row of 9 common limes, well-spaced and visually important. Not to be felled.

AREA 9 - Row of Poplar trees within development site, in bad condition and **should be felled**.

AREA 10 - Shelterbelt connecting to commercial woodland north of proposed development site. There is a proposal to form an access through AREA 10.

The report continues that access formation through Area 10 would result in isolating a small island of trees at the southern extremity if the shelterbelt, which would be at risk of wind-throw. As a result the report recommends removal of the trees in this area, at an appropriate phase of the development, with the replacement by trees more suitable to an amenity context.

The Report also indicates that:-

- The risk of tree related subsidence to structures has not been assessed.
- No specific assessment of wildlife habitats has been carried out by the report auditors.

**Planning Application 16/02127/IPM****ES Arboriculture (Contd)**

The Report concludes that it is feasible to adopt a construction method that is conducive to some tree retention and predominately lists the constraints on the developer.

In addition it goes on to state that the primary objective is the retention of as many appropriate trees as is practicable, particularly in respect of the mature trees to be retained ie not disturbing the tree root protection areas, tree canopy's etc.

**The developer has not taken full cognisance of this Report, particularly the aspect initially stated regarding the 162 significant trees, in preparing his other proposals.**

**The applicant should be required to highlight the manner in which this Report has modified his plans.**

There is an indication that, in order to facilitate the access to the H29 development, there is a proposal to alter the existing Stormont Road by altering the corners near the west end of the village.

In the process of these proposed roadworks there will be a requirement to remove a substantial number of trees, some of which are mature and are part of a native woodland within the current green belt.

**The developer has not taken any cognisance of these works within his Report.**

**The applicant should be required to submit a revised Report to fully incorporate any arboricultural effect of the overall development.**



## **Planning Application 16/02127/IPM**

### **ES Habitats, Bats, Red Squirrels & Pine Martens**

Scottish Natural Heritage provides various guidelines in respect of *Protected Species Advice for Developers, especially relating to Red Squirrels and also Pine Martens*.

Both species are protected by the Wildlife and Countryside Act 1981 (as amended) and by the Nature Conservation Act 2004.

Developers are required to undertake surveys ideally between June and August, by an experienced surveyor and should include a systematic search for signs of pine marten presence and potential den sites within 250m of a development.

**We are concerned that the survey in the planning application documents, carried out by Envirocentre on behalf of the applicant, does not comply with the requirements of SNH's guidelines.**

**In the survey it states that the "survey area" constitutes the area of land out with the site and within a 100m buffer of the site boundary. We would reiterate that this clearly, does not comply with the requirements of SNH's guidelines, and in addition there is no further mention of the recorded Noctule as well as the Pipistrells.**

**As such we consider that the survey requires to be repeated at the correct season and in an area compliant with SNH requirements. Until such time any decision on this aspect of the application should be deferred.**

**We note the comments from the applicant's consultants that "changes to the habit features may temporarily alter their behaviour", however we are concerned that bats once moved are unlikely to return.**

We have photographic evidence of the presence of pine martens in the woods adjacent to H29, which are closer to the site boundary than the 1.2km stated in Section 3.1.2 of the survey.

We also have video evidence of Red Squirrels present, just to north of H29.

Survey work for Bats requires to be undertaken between May to September to comply with the legal requirement.

The submitted records indicate that the time period was complied with and the bats identified in the survey, as present in the area of H29, are Pipistrelle of three types and are European Protected Species as are all bats.

Then main concerns identified in the survey are bright lights and noise may temporarily move bats away from the development.

However the report advises that planting of broadleaf trees and erection of bat roosting boxes will bring them back.

The indications are that, if the applicant complies with the recommendations in the report, which are quite stringent, there can be no complaints



**Scone & District Community Council**



**Audit of the Environmental Statement  
Application Reference: 16/02127/IPM**

**Ironside Farrar with Specialist Support  
8906 / January 2017**



**Scone & District Community Council**  
**Audit of the Environmental Statement Application Reference: 16/02127/IPM**  
**Topic: General Comments**

Ironside Farrar Ltd has been appointed by Scone and District Community Council to review and provide technical comment on the adequacy of A&J Stephen Ltd proposals in respect of an application for Planning Permission in Principle (PPIp) for residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space on land at North Scone (Planning Reference No. 16/02127/IPM)

Documents and information reviewed were as follows:

- Scone North Masterplan, 2016
- Planning Supporting Statement, November 2016
- Location Plan (Drawing P84430\_1), dated 31.10.16
- Illustrative Masterplan (Drawing P84430\_2), dated 31.10.16
- Scone North, Environmental Statement, November 2016

The audit was undertaken by Kim McLaren, Chartered Environmentalist and Technical Director with Ironside Farrar. Kim leads the Ironside Farrar Environment Team and is responsible for managing a range of integrated environmental services with specialist experience in legislation, best practice guidance including Environmental Impact Assessment, Strategic Environmental Assessment and STAG Assessment. Kim regularly delivers robust statutory EIA for major residential led schemes as well as minerals transport projects. Kim has extensive auditing experience including for Transport Scotland where she was involved in the Ironside Farrar Environmental Term Consultancy to identify environmental risks associated with EIA for new trunk road schemes. Kim also audits Environmental Statements and Environmental Reporting for East Ayrshire and South Lanarkshire Councils and has recently provided support to Stirling Council.

The following summarises the IFL auditor's review in respect of the overall Environmental assessment and Chapter 11.0 Noise.

#### **1. General points**

- The applicant had sought a scoping opinion from P&KC which is welcomed.
- The resulting assessment is however lacking in detail across many of the chapter areas – please refer to chapter specific comments.
- Air Quality has been inadequately assessed and this is a substantive issue given current air quality issues in Perth / AQMA. The screening criteria suggested by Transport Scotland and used to determine whether the impacts of Phase 1 should be considered are based on outdated guidance (Environmental Protection UK, 2010). This guidance has been replaced by a more recent document developed by EPUK in conjunction with the IAQM (EPUK/IAQM, 2015), with different screening criteria. It is considered that insufficient information has been provided to demonstrate that the air quality impacts of the proposals will be not significant. A detailed air quality assessment is required which takes into account the impacts of the full development (700 units) and committed schemes including both other developments and the Cross Tay Link Road.
- We note the inclusion of a CEMP within the application (Appendix 3.2) which is good practice. The CEMP will be a working document - further detail should be included once a contractor is in place and elements such as compound areas etc. have been defined to ensure appropriate environmental protection.
- The inclusion of Chapter 12 Summary of Impacts and Mitigation is helpful and in line with good practice.
- The transport chapter includes the Transport Assessment by JMP - see comments by Sam Shortt. The ES chapter generally covers the information that would be expected.

- The Arboriculture Impact Assessment has been completed in line with standard guidance – there is however no mention of the SSNWI is present within the site – see also ecology comments.

Topic: **Noise**

**1. Noise Assessment**

**1.1 General Comments**

- There are a number of general formatting errors – table numbers etc.
- The assessment is fairly light on detail but appears to assess the impacts of the full 700 units and the CTLR – the data used to input to the modelling is not referenced in detail, nor the assumptions made.

**1.2 Consultation**

- The applicant had sought a scoping opinion from P&KC which and the report refers to the relevant technical guidance and noise limits specified by the EHO

**1.3 Assessment**

- The baseline data has been collected in line with 'Calculation of Road Traffic Noise' (CRTN) shortened measurement procedure - three contiguous LA10,1h noise level measurements.
- There is no information on assumptions made in the CadnaA model
- There is no summary of the traffic data from JMP used in the model - there is no cross reference to the data in Chapter 10 traffic and transport if this is what was used.
- A detailed noise assessment will be required once architectural details are available in order to define mitigation requirements.
- Construction impacts on existing and new residents are dismissed early in the assessment - there is no reference to the mitigation measures included within the CEMP.



Air Quality Screening  
Review:  
Scone North

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January 2017



Experts in air quality  
management & assessment

## Document Control

|               |                                                |                          |                                 |
|---------------|------------------------------------------------|--------------------------|---------------------------------|
| <b>Client</b> | Scone & District Community Council Study Group | <b>Principal Contact</b> | Kim MacLaren (Ironsides Farrar) |
|---------------|------------------------------------------------|--------------------------|---------------------------------|

|                   |       |
|-------------------|-------|
| <b>Job Number</b> | J2802 |
|-------------------|-------|

|                            |              |
|----------------------------|--------------|
| <b>Report Prepared By:</b> | Penny Wilson |
|----------------------------|--------------|

## Document Status and Review Schedule

| Report No. | Date            | Status       | Reviewed by            |
|------------|-----------------|--------------|------------------------|
| J2802/1/F1 | 13 January 2017 | Final Report | Chris Whall (Director) |

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## Introduction

1. Air Quality Consultants Ltd (AQC) has reviewed the information submitted in relation to air quality in support of the planning application for residential development at Scone North.
2. The review considers the appropriateness of the decision to scope out an assessment of the air quality impacts of the proposed development within the Environmental Statement. It takes into account relevant sections of Chapter 2 of the Environmental Statement dated November 2016 and the Air Quality Assessment Screening Summary prepared by JMP Consultants Ltd (November 2016).
3. The review focuses on the potential impacts of the development on the Bridgend area of Perth. This area falls within the Perth Air Quality Management Area (AQMA) and is the area where the impacts of the proposals are likely to be greatest. The AQMA has been declared as a result of exceedences of the nitrogen dioxide and PM<sub>10</sub> objectives.

## Summary of Information Provided by the Applicant

4. Air quality impacts have been scoped out of consideration within the EIA on the basis of an 'Air Quality Assessment Screening Summary' submitted by JMP Consultants Ltd. This briefly considers local air quality conditions and:
  - a) the potential impact of 100 residential units constructed prior to construction of the Cross Tay Link Road (CTLR) and
  - b) the potential impact of 700 residential units constructed after the CTLR.It concludes that:
  - a) The 100 unit scheme (Phase 1) would generate a maximum of 60 outbound movements in the peak hour, approximately 48 of which would travel through Bridgend. This impact has been compared with a screening threshold of 5% change within an AQMA and 10% elsewhere, and concluded that the impacts would not be significant and thus an assessment of the air quality impacts of Phase 1 could be scoped out of the EIA; and
  - b) The 700 unit scheme (Phases 1-4) cannot be built without the CTLR (due to insufficient capacity on the existing road network). The CTLR would have beneficial impacts on the AQMA and in particular Bridgend, and the assessment of impacts of the CTLR will include an assumption that the 700 unit scheme is built. On the basis of this screening information it was considered that an assessment of the air quality impacts of Phases 1-4 could be scoped out of the EIA.

## Key Issues

### Phase 1

5. The screening criteria suggested by Transport Scotland and used to determine whether the impacts of Phase 1 should be considered are based on outdated guidance (Environmental



Protection UK, 2010). This guidance has been replaced by a more recent document developed by EPUK in conjunction with the IAQM (EPUK/IAQM, 2015), with different screening criteria. This updated guidance considers that within an AQMA an air quality assessment may be required if:

- the development will lead to a change in Light Duty Vehicle (LDV) flows of more than 100 Annual Average Daily Traffic (AADT) within or adjacent to an AQMA or more than 500 AADT elsewhere.
6. The Screening Summary produced by JMP indicates that Phase 1 of the development would lead to an increase of 48 additional vehicle movements through Bridgend (inside the AQMA) in the **peak am hour**. On this basis, the daily impact on traffic flows through the AQMA is highly likely to be greater than 100 and thus an air quality assessment of the impacts should have been completed to determine future air quality in Bridgend and quantify the impact of Phase 1 upon nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations within the AQMA.
7. The Screening Summary makes a brief reference to monitoring in Main Street, Bridgend but the actual data are not presented and the relevance in relation to the impacts of the Scone North development are not explicitly considered. Monitoring at a number of locations in Main Street indicates that the annual mean nitrogen dioxide objective is being exceeded (Perth & Kinross Council, 2016). There is also a risk that the PM<sub>10</sub> objectives are being exceeded at this location. Phase 1 of the proposed development would have direct impacts upon relevant locations in Main Street and thus these impacts should have been quantified.

### **Phase 2**

8. The Screening Summary considers that as Phases 1-4 could not be completed without the CTRL, the CTRL would lead to improvements in air quality in the AQMA (including Bridgend), and the assessment of the CTRL will include the impacts of Phases 1-4, the air quality impacts of Phases 1-4 would be insignificant. Without information on the extent of changes due to the CTRL or Phases 1-4 within the AQMA is not possible to determine whether or not 'likely significant effects' could occur. On this basis, an assessment of the air quality impacts should have been completed.

### **Other Issues**

9. The Screening Summary only makes reference to air quality impacts due to traffic generated by the development. It has not fully considered:
- the impact of emissions from local roads upon occupants of the proposed development. For Phases 1-4 it should have included consideration of the impact of emissions from the CTRL upon the development itself;
  - construction phase impacts. This includes the impact of dust and PM<sub>10</sub> generated during the construction phase and appropriate mitigation measures. Consideration should also

have been given to construction traffic impacts, particularly if a large amount of material needs to be imported or exported from the site.

### **Conclusions and Recommendations**

10. The information submitted in relation to the air quality impacts of the Scone North development has been reviewed. It is considered that insufficient information has been provided to demonstrate that the air quality impacts of the proposals will be not significant.

### **References**

EPUK (2010) Development Control: Planning for Air Quality (2010 Update)

EPUK & IAQM (2015) Land-Use Planning & Development Control: Planning For Air Quality.

Perth & Kinross Council (2016) 2016 Air Quality Annual Progress Report for Perth and Kinross Council.



## A1 Professional Experience

### **Chris Whall, BSc (Hons) MSc CEnv MEnvSc MIAQM**

Mr Whall is a Director of Air Quality Consultants. He has 18 years' experience in environmental consulting with multi-sector EIA experience and technical expertise in air quality and emissions management, emissions quantification, ambient air quality monitoring and impact assessment. Mr Whall's work has included the provision of air quality advice and the delivery of impact assessments for UK and international developments including airports, road, rail, power stations, energy from waste, mining and other major regeneration schemes. He has contributed to the air quality components of major Environmental Statements for airports including Heathrow, Gatwick and Stansted in the UK and has provided strategic air quality advice to the European Investment Bank in relation to international airport expansion. Mr Whall also provided overall technical direction to the air quality team delivering the Environmental Statements for the Hinkley Point C nuclear power station Development Consent Order (DCO), on behalf of EDF Energy. Recently Mr Whall led the air quality assessment to support the ending of the Cranford Agreement at Heathrow Airport to introduce full runway alternation during easterly operation; he appeared as an Expert Witness on behalf of Heathrow Airport Limited at the Public Inquiry in 2015. For several years Mr Whall has been working with Heathrow Airport Limited in the development of its masterplan for a third runway and he led Heathrow's air quality submissions to the Airports Commission.

### **Penny Wilson, BSc (Hons) CSci MEnvSc MIAQM**

Ms Wilson is a Principal Consultant with AQC, with more than sixteen years' relevant experience in the field of air quality. She has been responsible for air quality assessments of a wide range of development projects, covering retail, housing, roads, ports, railways and airports. She has also prepared air quality review and assessment reports and air quality action plans for local authorities and appraised local authority assessments and air quality grant applications on behalf of the UK governments. Ms Wilson has arranged air quality and dust monitoring programmes and carried out dust and odour assessments. She has provided expert witness services for planning appeals and is a Chartered Scientist and Member of the Institute of Air Quality Management.

Full CVs are available at [www.aqconsultants.co.uk](http://www.aqconsultants.co.uk).



**Topic - Cultural Heritage**

Ironside Farrar Ltd has been appointed by Scone and District Community Council to review and provide technical comment on the adequacy of A&J Stephen Ltd proposals in respect of an application for Planning Permission in Principle (PPiP) for residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space on land at North Scone (Planning Reference No. 16/02127/IPM)

Documents and information reviewed were as follows:

- Scone North Masterplan, 2016
- Planning Supporting Statement, November 2016
- Location Plan (Drawing P84430\_1), dated 31.10.16
- Illustrative Masterplan (Drawing P84430\_2), dated 31.10.16
- Scone North, Environmental Statement, November 2016

The audit was undertaken by Ronan Toolis, Consultancy Manager for GUARD Archaeology Ltd. Ronan is responsible for the management of archaeological projects and providing archaeological consultancy advice to a range of private sector and public sector clients. His main areas of specialism include Environmental Impact Assessment (Cultural Heritage), Archaeological Mitigation Design and Delivery. Ronan has over 16 years' experience working on and leading a wide range of rural and urban archaeological projects in Scotland, UK and Germany and has in this time acquired extensive experience of archaeological assessment, mitigation design and mitigation delivery in advance of development, including significant involvement in assessing and investigating historic designed landscapes.

The following summarises the IFL auditor's review in respect of the cultural heritage assessment:

- Paragraph 5.2.7 – While it is stated here that the walkover survey was limited to the margin of the development area due to crops, it is unclear if the walkover survey extended across (not simply around) the fallow land depicted in plate 1 in Appendix 5.2. The extent of fallow land is unclear. However, given the apparent level surface of the development areas, the limits to the walkover survey (imposed by crops) have probably not compromised it. Any archaeology within these areas would be truncated by ploughing and therefore not visible from ground level.
- Paragraph 5.5.17 - The Designed Landscape at Scone (Site 1) is noted here but there is no description of what this actually comprises within the development area itself.
- Site 105 is not clearly depicted on Figure 5.1. The spot is (on the east edge of Scone) but is unnumbered.
- Site 104 is not depicted on Figure 5.1 at all.
- Paragraph 5.6.1 – It is stated that 'Direct impacts upon the Scone Palace Designed Landscape are discussed in detail starting at Paragraph 5.6.39 below', when in fact this discussion starts at paragraph 5.6.23.
- Paragraph 5.6.6 – likewise this paragraph erroneously states that the effects upon the Designed Landscape are set out in Paragraphs 5.6.27 - 5.6.43, when in fact there is no paragraph 5.6.43. It should read 5.6.23-5.6.39.
- Paragraphs 5.6.23-5.6.39 - The assessment of impacts upon Scone Palace Designed Landscape is compromised by the lack of a clear description of what the designed landscape actually comprises within the development area itself and the specific significance of this within the greater part of the designed landscape out with the development area. Much of the impact assessment is solely concerned with indirect impacts upon the rest of the designed landscape (eg paragraphs 5.6.27-28 work of art value). The repeated conclusions that 'any impact upon the ... Designed Landscape resulting from the Proposed Development would be of Marginal magnitude at most' (eg paragraphs 5.6.31, 5.6.34) is not supported by reference to a proper methodology that



justifies this conclusion, in contrast to the conclusion at the end of paragraph 5.6.36. Without a more coherent assessment it is difficult to assess the scope of mitigation (if any) required.

- Paragraph 5.8.2 – the statement that no further mitigation is deemed necessary prior to the removal of the well (Site 111) warrants further consideration. The well is assumed to be modern (paragraph 5.5.26) simply because it was only mapped in 1901 but given that it was not located on the walkover survey (paragraph 5.5.22) it may have similarly eluded previous cartographers. Given the potential for this feature to be older and the potential for organic remains to be preserved within it, an appropriate level of mitigation (e.g. targeted evaluation trenches) is probably justified.
- Paragraph 5.8.4 – the use of 'post-determination' is confusing, unnecessary and potentially misleading, given that PAN 02 2011 (paragraph 20) states that 'it is reasonable for the planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before the planning application is determined'. While local plan policy HE1B does not state this, PAN 02 2011 is referred to in the EIA (paragraph 5.4.8) though the part referred to above is omitted as is perhaps the most relevant part of Scottish Planning Policy (which is also referred to) – *Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.* (SPP Paragraph 150).
- Other than these omissions and deficiencies, the EIA has been undertaken to an acceptable standard.

**Topic - Ecology**

Ironside Farrar Ltd were appointed on behalf of Scone and District Community Council to review and provide technical comment on the adequacy of A&J Stephen Ltd proposals in respect of an application for Planning Permission in Principle (PPIp) for residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space on land at North Scone (Planning Reference No. 16/02127/IPM)

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- Scone North, Environmental Statement, November 2016 – Ecology Chapter and Supporting Ecological Information

The ecological audit was undertaken by David Bell of ECOS Countryside Services LLP. David is an experienced ecologist with over 30 years' experience in European and UK wildlife legislation, and has excellent field skills in botany, ornithology and specialist expertise with regard to protected species. This field expertise is underpinned by excellent knowledge of all standard survey methods and current approaches to the evaluation of data, including those relating to biodiversity. David has worked with Ironside Farrar for over 15 years and has delivered ecological impact assessment on a range of sensitive schemes.

The following summarises the IFL auditor's review in respect of the Information Submitted:

**1. General points**

- The ecology chapter is not clear from the outset as to what was and was not surveyed and assessed, nor does it include a section on adequacy of data. This information is lost in the text and in some cases appears to be absent e.g. Section 6.2.9.
- Ecological appraisal did not include the merits of greenspace and bluespace
- There is no evidence of any ecological mitigation informing the illustrative masterplan
- Points 1 and 2 demonstrate a failure to follow Scot Government and Perth and Kinross Council guidance on greenspace.

<http://www.gov.scot/resource/doc/362219/0122541.pdf>  
<http://www.pkc.gov.uk/CHttpHandler.ashx?id=35718&p=0>

- Report is heavily bulked with generic and non-site -specific data
- Desk-top data collation was limited with significant omissions (see below)
- Level of field survey effort is below that normally required for an ES.
- Ornithological assessment is unacceptable due to lack of survey data.
- Habitat survey was out of season

**2. EIA methodology**

- Follows standard formats, but conclusion compromised by lack of site specific habitat and species survey data

**3. Survey methods**

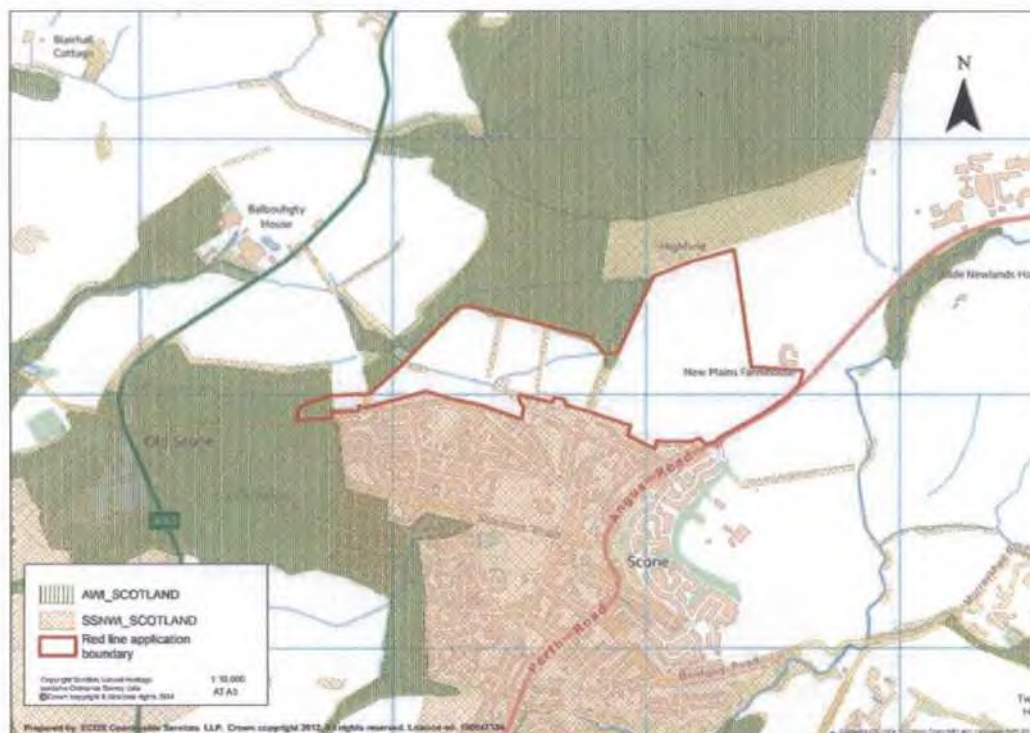
- Surveys completed were to appropriate methods



- Bat activity on survey transects was recorded using a fixed frequency of 50kHz, which is not best practice. It better to have two detectors in use at the same time, one set at 35kHz and one at 50kHz. This reduces the risk of missing quieter species using lower frequencies e.g. brown long-eared bat. Anabat locations are too widely spaced to compensate for transect deficiency. It is not clear if the stolen Anabat replaced? No tree bat roost assessment has been completed.

#### 4. Desk-top data collation

- Desk-top study does not fully address potential interest.
- The AWI collation did not include SNHs more recent national mapping (SSNWI). SSNWI is present within the site and not addressed in the ES, see below



- There was no data collation from Scottish Badgers and the potential impact on local social groups is therefore unknown due to lack of spatial distribution data and lack of knowledge of potential foraging use. Cereal crops are a significant part of the seasonal diet of badger and any such use would not be detected as the badger survey was undertaken at least three months after harvesting.
- SNH guidance requires raptor data to be collated for a distance of up to 2km in order to assess potential disturbance impacts. Tayside Raptor Study Group should have been contacted and asked to advise on any raptor species breeding within the 2km site buffer, particularly goshawk and osprey.
- No contact was made with the local bat group to collate data, nor with SNH for any casework roost data.

#### 5. Species-level data

- The phase 1 habitat survey was out of season and it lacks any credible species level descriptions. There should be a full list of higher plant species according to habitat, irrespective of the timing of the habitat field survey. Acknowledge that the lower potential interest of arable land, but this locality is one of the very few native sites in

Scotland for the rare *Ranunculus sardous*, see blue squares below. It thrives on the heavy carse clays.

[http://www.plantlife.org.uk/uploads/documents/New\\_Priorities\\_for\\_Arable\\_Plant\\_Conservation.pdf](http://www.plantlife.org.uk/uploads/documents/New_Priorities_for_Arable_Plant_Conservation.pdf)



Distribution of *R. sardous* © BSBI

- Breeding bird surveys should have been completed to standard methods and winter use of the fields by wintering birds surveyed. The latter should have included SoCC red list species associated with arable land e.g. yellowhammer and sky lark. The Scone locality is the best in the UK for hawfinch, with breeding and wintering centred on Scone Palace. Hawfinch studies at the Palace have shown that they, surprisingly, feed on spruce and the adjacent plantations are within the feeding range demonstrated by Tay Ringing Group studies. No mention of this rare very species is made in the ES.
- No survey records were made of brown long-eared bat, which are known in the locality. There are 21 local records and this species may have been overlooked.
- There was no daytime assessment of the bat roost potential of trees within the site or along the adjoining the site boundary.
- Badger survey is inadequate due to lack of data. The foraging potential of the site is high with year round opportunities for local social groups. Unless the survey was extended to 1km, then there can be no assessment of the impact of loss of foraging habitat.
- Pine marten and red squirrel surveys were compromised by access constraints



- Section 6.6.17 does not differentiate between migratory and non-migratory lamprey species and is therefore misleading.
- There does appear to be a fairly large wet area of NVC MG10 in the SW corner and in most circumstances it is moderately GW dependent. Clarification should be sought on the relationship between this habitat and the underlying geology and water table.

#### 6. Assessment

- Without bird surveys the impact of the development on breeding and wintering birds cannot be accurately assessed.
- Suggestion that there will be positive predicted impacts for water vole is misleading, as they are not present on, or adjacent to, the site and therefore very unlikely to colonise any habitat created for this species. There are no known populations within the lower River Tay catchment.

#### 7. Overall

Barely adequate ES due to lack of thoroughness in data collation and poor, or absent, site-specific survey data. These issues need to be addressed by the applicant. From our review, the masterplan does not seek a 'best fit' for the site and wider countryside e.g. with greenspace buffering housing to the south and planting not being used along the northern boundary to reduce disturbance effects on wildlife in the existing plantations. The masterplan should be reconfigured to take full account of PKCs Placemaking guidance and to full respond to past and new survey data. The presence or absence of GWDTE needs to be established.



**Scone & District Community Council**  
**Audit of the Environmental Statement Application Reference: 16/02127/IPM**  
**Topic - Landscape and Visual Impacts**

Ironside Farrar Ltd has been appointed by Scone and District Community Council to review and provide technical comment on the adequacy of A&J Stephen Ltd proposals in respect of an application for Planning Permission in Principle (PPiP) for residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space on land at North Scone (Planning Reference No. 16/02127/IPM)

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- Scone North, Environmental Statement, November 2016

The audit was undertaken by Dr Guy Wimble, BSc MA PhD, MLI, Technical Director and Chartered Landscape Architect with Ironside Farrar. Guy has 27 years of professional experience across the following areas of practice: landscape character assessment; landscape and visual impact assessment; landscape capacity studies; environmental assessment of a number of major transportation, mineral extraction and infrastructure projects; environmental improvements and housing. Guy has advised local authorities and Scottish Government on landscape capacity, planning and section 36 and 37 applications and has been an expert witness at many planning inquiries and hearings involving windfarms, quarries, housing, roads and local development plans.

The following summarises the IFL auditor's review in respect of the landscape and visual impact assessment (LVIA):

**1. General points**

The landscape chapter carries out a fairly comprehensive assessment. However, there are a significant number of typographical and other errors, including a repetition of the cumulative assessment, which indicate it was completed in a hurry. We are also not convinced by a number of the individual assessments, which seem to underplay the significance of effects without being supported by a credible argument.

**2. Method**

The method follows standard the GLVIA3 approach, and mainly clearly explained.

- There is a slightly high threshold for significance and no assessment of whether effects are negative, neutral or positive, which would have a bearing on their acceptability.
- A 2km offset radius for the study area is realistic in this location, given the surrounding containment and the fact that viewpoints outside this radius are assessed in any case.
- No assessment of local landscape character is proposed, only the relatively large SNH landscape character areas within the study area

**3. Policy**

- There is a comprehensive summary of national and local policies of potential relevance to the proposed development



#### **4. Consultation**

- We note the scope of the LVIA, including location of viewpoints, was agreed with Perth and Kinross Council.

#### **5. Landscape Baseline**

- The study area landscape character is described but there is no description of the site itself and its immediate surroundings, or site photos. This would help the reader understand the sensitivities and potential effects.
- The landscape assessment focuses on the three landscape character areas from the Tayside Landscape Character Assessment, which cover areas extending well beyond the site. A subdivision of these areas within say 1-2km of the site, or a detailed description of the site would help the reader understand the context better.
- The LCA in which the site lies is scoped out of the assessment, as the effects of the proposed development are considered not to affect an extensive enough proportion of the LCA to be significant. In combination with no assessment of the site itself, this leads to an under-representation of significant effects.
- Graphics – site area shown as blank - should be infilled with map data contiguous with the surroundings.

#### **6. Visual Baseline**

- The review of visual receptors covers those we would anticipate being affected, with the exception of Harper Way in the north west of Scone (adjacent) and Bargarvie to the southeast of the site, which has elevated views across the east part (see Google Earth streetview)
- We do not agree with the scoping out of residential receptors in Highfield Road and Spoutwells Drive. They will not be fully screened from the adjacent development by intervening vegetation, especially in winter. As can be seen from the photograph for viewpoint 6, there are several houses backing onto the site with ground and upper floor windows visible to a ground level receptor. Furthermore, Google Streetview shows parts of the site seen between houses. Therefore, it is clear that houses in the development will be visible to some if not most properties in these roads.
- We do not agree with the statement that upper floors of house are 'unlikely to be occupied as living space'. Even as bedrooms they would still have views valued by the occupants.

#### **7. Assessment of Landscape Effects**

- No significant effects assessed due to scoping out of extensive landscape areas
- Assessment of susceptibility of the landscape elements making up the site in 7.6.2 – 4 is counterintuitive – both are described as being of low susceptibility 'as they cannot be relocated or withstand physical effects'.
- No assessment of effects as being positive/ negative etc
- As stated above there is no localised assessment of effects on the character of the site or a subdivision of the larger landscape character area in which it is located. Therefore, it is unsurprising that no significant effects are determined.
- Effects on the site and its immediate surroundings are likely to be significant and adverse, although we agree that effects on wider LCAs and designated areas would not be significant for the whole defined areas.

#### **8. Assessment of Visual Effects**

- Only two significant effects determined for the operational phase.
- As stated above we do not agree with scoping out of neighbouring residential streets, which we consider would be significantly adversely affected.

- 7.6.15 bullet 2: Viewpoint 2: Statement re susceptibility of footpath users being less than road users does not make sense.
- Value and susceptibility of core paths. In general, these are assessed as being of medium or lower sensitivity. We do not agree with many of these assessments as the susceptibility takes no account of the nature and expectations of the path user, which would be at the higher end of the scale (see para 6.32 – 6.63 of Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition).
- It is likely that more significant effects would be assessed if a more realistic assessment of susceptibility/ sensitivity were made in the case of many receptors
- 7.6.23 and 24: Viewpoint 6. We do not find an assessment of Not Significant for the operational stage to be credible, given the receptor type (local residents/ walkers in a rural location within edge of a GDL) and the fact that the view would be fundamentally changed by surrounding housing.

#### **9. Assessment of Cumulative Effects**

- This covers the assessment of effects of the proposed development and the Tayside link road, as agreed with P&KC.
- We have no comments on the cumulative assessment except that the text is repeated.

#### **10. Overall**

The initial scope of the LVIA and explanation of the method is broadly adequate. However, we have concerns that the assessment has not been carried out in a robust and realistic manner. Our concerns include:

- Scoping out of receptors that would seem to be highly likely to experience significant effects
- The rationale behind assessments of susceptibility and magnitude is often difficult to understand
- The assessment generally appears to downplay sensitivity, magnitude and significance of effects

We consider that landscape effects on the site and immediate surroundings would be significant and that there would be a greater number of significant visual effects than the applicant has assessed; most of which would be adverse in this rural fringe context. Our initial opinion based on this review is that the effects would be at levels typical in the context of a significant settlement expansion.



**Scone & District Community Council**  
**Audit of the Environmental Statement Application Reference: 16/02127/IPM**

**Topic - Ground Conditions**

Ironside Farrar Ltd has been appointed by Scone and District Community Council to review and provide technical comment on the adequacy of A&J Stephen Ltd proposals in respect of an application for Planning Permission in Principle (PPiP) for residential development and associated infrastructure, access, landscaping, drainage, SUDS and open space on land at North Scone (Planning Reference No. 16/02127/IPM)

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- Scone North, Environmental Statement, November 2016

The audit was undertaken by Anna Wright, Senior Geo-Environmental Engineer with Ironside Farrar. Anna has extensive experience in the production of Phase I Desk Studies & Phase II Ground Investigations, including desk based review of historical mapping, geology, hydrology and utilities. Anna's role typically includes assessment of risks posed to developments in relation to potential contaminated land and this has included site attendance work including logging of trial pits and sampling the arisings. Other projects completed include SUDS feasibility studies, input into EIA/ES, UK WIR testing and reporting and slope stability analysis.

The following summarises the IFL auditor's review in respect of the ground conditions assessment (Chapter 8 of the ES):

**1. General points**

The baseline information is a little sparse, with the assessment of risk underplayed. The development will sterilise a large area of farmland, although similar land use in the surrounds limits the impact. Useful information held within the Phase 1 Report has not been integrated into ES.

**2. Method**

- The impact assessment method follows standard practice.
- Background information from typical sources, although some detail omitted.

**3. Consultation**

- Some consultation with Perth & Kinross Council and SEPA noted.

**4. Assessment**

- No comment on topography/earthworks requirement.
- Baseline drift geology information does not note the bedrock at or near surface recorded on published BGS mapping near the western end of Highfield Road.
- Baseline drift geology doesn't speculate on the potential for Alluvial deposits near the watercourse
- Potential depth to rockhead not discussed.
- Baseline solid geology does not note the Scone formation contains intraformational limestone debris. Limited BGS boreholes in the vicinity but one notes sandstone.
- Baseline geology doesn't note the Permo-Carboniferous Quartz-dolerite and tholeiite Intrusion located near the western end of Highfield road, approximately correlating to the shallow bedrock.

- The soil types as identified on Scotland's Soils are not identified individually, they include noncalcareous gleys and brown earths which are common in Scotland.
- Potential contaminated land does not include a smithy on Highfield road, approximately 100m south of site, unlikely to impact but should be discounted.
- Potential for ground gas generation from any infill to former quarry not discussed.
- Agricultural land use can result in impact from pesticides, potentially illegal farm waste tipping and spills from machinery, thought to be unlikely and/or unlikely to have a significant impact but should be noted.
- No mention of Land Capability for Agriculture Class, mostly Class 3<sub>1</sub> which is suitable for producing of moderate range of crops, with a small area of 4<sub>1</sub> in the north and 3<sub>2</sub> in the west.
- No comment confirming mining is not anticipated based on Coal Authority online mapping.
- No data on WML/PPC etc in vicinity.
- No data from Envirocheck or similar regarding hazards from collapsible ground, ground dissolution, landslide, shrinking/swelling clay, running sand or compressible ground.
- Sterilisation of farmland by development not properly assess, although the resource is low value the impact through sterilisation is major, resulting in a moderate impact. As the soils types are common in the area this impact can be accepted.



**Scone & District Community Council**  
**Audit of the Environmental Statement Application Reference: 16/02127/IPM**  
**Topic - Water and Drainage**

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The following summarises the IFL auditor's review in respect of the water and drainage assessment which includes flood and drainage (Chapter 9 of the ES):

**1. General points**

Background information appears sparse, with relevant information from the drainage and flood risk assessment not included within the ES chapter text.

**2. Method**

- Appropriate guidance referenced
- Chapter does not clearly outline the receptors and provide an upfront assessment of the receptor sensitivity before discussing mitigation.

**3. Consultation**

- Some consultation has been undertaken with SEPA and the Local Authority although limited information has been presented and appears to relate to earlier stages of the process.

**4. Assessment**

- Groundwater Dependent Terrestrial Ecosystems (GWDTE) – ecology chapter says none but report mentions boggy ground with rushes and ponding on the western boundary. There does appear to be a fairly large wet area of NVC MG10 in the SW corner and in most circumstances it is moderately GW dependent. Clarification should be sought on the relationship between this habitat and the underlying geology and water table.
- Out of date water body classification for the River Tay (R. Isla to R. Earn) (2008) – 2014 class has an overall rating of Good, with overall chemical status as Pass.
- River Tay is noted on 2008 datasheet as subject to Freshwater Fish Directive, Drinking Water Protection Zone, Nitrate Vulnerable Zone and a Special Area of Conservation.



- Out of date water body classification for the Annaty Burn(2008) – 2014 class has an overall rating of Good ecological potential, with overall ecology as Moderate
- Location of Barrel Drain only shown in FRA.
- Only 20% climate change for flood modelling, 30% required in current guidance.
- No confirmation of the presence or otherwise of Private Water Supplies
- No comment on SEPA Flood Maps within ES chapter – these record a large patch of surface water flooding on site near New Mains in the NE and in the eastern half of the site near Spoutwells Farm
- Extract of old SEPA flood map presented in Drainage & FRA.
- SEPA Flood Maps show Groundwater flooding in the east of the site.
- No comment on the bedrock aquifer & it's sensitivity (Scotland's Environment Groundwater Information currently down, so cannot confirm waterbody and current assessment)
- No comment on hydrogeology, Geoindex hydrogeology viewer records the Arbutnott-Garvock Group of moderately permeable sandstone. Moderate ground water yield noted.
- No mention of wells, one noted previously on site east of the woodland strip which bisects the site and historic ones shown on map in vicinity of Balboughty and numerous within Scone. Geoindex doesn't record any water wells in the vicinity.
- Doesn't assess receptor sensitivity upfront and Table 9.2 doesn't assess Burns/bedrock aquifer individually.
- Given known flooding issues in vicinity risks appear to be underplayed.
- Barrel Drain to be rerouted into Cramock Burn, critical that flows are properly accounted for with attenuation mirroring existing greenfield runoff rate for Cramock Burn so as not to increase flooding risk downstream. Further information held in FRA.
- DIA/WIA status unclear, report notes Client conducted correspondence with Scottish Water.
- Risk assessment of receptor sensitivity at the end of the chapter underplays sensitivity.

#### FRA Report Comments

- Hydrological characteristics in FRA seem reasonable.
- Culvert west of site not modelling in HEC-RAS, as it will be replaced with another. Culverts act as significant pinch point and can result in water backing up upstream.
- Only 20% climate change for flood modelling, 30% required in current guidance.
- 45% impermeable area is too low, 55-60% more reasonable for residential development.

## 5. Summary

Overall, a number of significant areas require attention to ensure the assessment is compliant with guidance, in particular on flood risk, PWS and GWDTE.



## **Proposed Residential Development, North Scone**

### **Review of JMP Transport Assessment**

10<sup>th</sup> January 2017





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## **1 Introduction**

- 1.1 This succinct Briefing Note describes a high level review of a Transport Assessment (November 2016) drafted by JMP Consultants with regard to a proposed residential development at North Scone, Perthshire. The development site is allocated in the Perth and Kinross Local Development Plan (Site ref. H29). Observations follow.

## **2 Observations**

### **Para. 1.3**

- 2.1 Whilst financial contributions will be required towards the CTRLR, localised issues may need to be addressed by further contributions.

### **Para. 1.6 and 1.8**

- 2.2 Noted that TA produced in accordance with best practice guidance. Agreed that the general approach and structure of the remaining TA is generally acceptable but see following comments.

### **Walking, Para. 2.3 etc**

- 2.3 Para. 2.4 highlights width shortcomings on A94 footway provision.
- 2.4 Para. 2.6 footway width shortcomings at Harper Way area.
- 2.5 Para. 2.8 highlights very limited opportunity for pedestrian links to the south onto Spoutwells Drive. Feasibility of linking via exiting lock up garage area needs explored, even then likely to be a substandard link if to the rear of properties etc.
- 2.6 Given the policy emphasis on sustainable travel especially pedestrian connectivity, Active Travel and Safe Routes to Schools, the applicant needs to demonstrate a clearer and deliverable pedestrian strategy.

### **Cycling, Para. 2.9 etc.**

- 2.7 Local cycle facilities appear to be limited. As with the site pedestrian access strategy, connections with the rest of the village need to be delivered.

### **Public Transport Bus, Para. 2.11 etc**

- 2.8 Bus service opportunities noted. It would be useful to know how local bus operators might serve the full development site in the future. This is relevant in the context of para. 2.12, i.e. some parts of the site will be greater than the desirable 400m. to a bus stop.



- 2.9 Para. 2.22 "It is evident that the site is accessible by a range of travel modes". This contradicts some observations made within the TA itself regarding narrow footway widths and limited opportunities for pedestrian and cycle links to the south. As advised above, the pedestrian and cycle strategy needs further consideration so that it aligns with policy objectives regarding walkable neighbourhoods etc.

#### Trip Generation

- 2.10 Para. 3.2, again any contribution should not necessarily be aimed at delivering the CTRLR. There are local pedestrian connectivity issues to be addressed (see above) as well.
- 2.11 Table 3.2, the walk mode share is based on the existing village which has better pedestrian connections than the proposed development will have (see concerns above re pedestrian connections). The mode share is then likely to be less than 12% with a greater percentage of car trips however this is unlikely to materially change the junction assessment results.

#### Pedestrians

- 2.12 Para. 4.4, highlights that works required to A94 footways again emphasising, per above, that local mitigation/contribution is required and not simply a contribution to the CTRLR.
- 2.13 Para.4.5 recognises that a footway link is needed via the existing garage lock up. How will this be secured/delivered?
- 2.14 Para. 4.6, again greater clarity is required regarding the deliverability of pedestrian linkage improvements.
- 2.15 Figure 4.4, again how are Accesses 4 and 2 to be delivered?
- 2.16 Para. 4.20, have decisions been held with bus operators re future penetration of services into site?

#### Vehicle Access

- 2.17 Para. 4.25 etc., there is no phasing plan so difficult to put the access strategy in context.
- 2.18 Paras. 4.26 and 4.26, the CTRLR will sever some parts of the site – how will this be overcome?
- 2.19 Para. 4.30, any Tree Preservation Orders in place at this location thereby frustrating bend improvement?





#### Residential Travel Plan

- 2.20 Para. 4.33, hence the need to deliver a comprehensive and well connected pedestrian network.

#### Traffic Impact Assessment

- 2.21 Para. 5.6, opening year of 2018 is very optimistic but unlikely to affect the outcome of the junction analyses that follow.

#### Junction Analyses

- 2.22 Para. 5.12 etc. The results as the RFCs (see Table 5.2 and 5.3 in the JMP TA) are well within acceptable limits, i.e. 0.85. Even if model calibration is not exactly correct, it is unlikely that any re - analyses would approach this threshold. Noted that the development will only generate 39 outbound vehicle trips in the morning peak how which is not a high number.

#### Appendix A

- 2.23 Noted that plan does not show any pedestrian linkages to the south in the middle of the development area.





### **3 Summary**

- 3.1 The TA mentions contributions to the Cross Tay Link Road however it is important not to lose sight of contributions/mitigation at a local level.
- 3.2 Pedestrian and cycle links to the south of the site, Spotwells Drive etc, need further investigation and their deliverability needs to be confirmed.
- 3.3 The level of car trips generated by the initial 100 house phase is relatively modest in traffic engineering and operational terms and therefore there is unlikely to be any significant detriment.
- 3.4 It can therefore be concluded that the main concern relates to pedestrian connectivity with the existing village

## **Appendix 2A – PKC Background note on CTLR and development embargo**

### **Note on the Cross Tay Link Road and the current embargo**

#### Policy context

In May 2006, the whole of Perth was declared an Air Quality Management Area due to the high levels of air pollution exacerbated by congestion. As the Local Development Plan 2014 acknowledges in 5.1.14 (page 69) “the biggest single constraint facing the Perth Area is the capacity of the road infrastructure in and around Perth”. The Council therefore commissioned a traffic modelling exercise which identified a package of measures outlined in Perth Transport Futures. These measures will be delivered over a number of years and are split into 4 phases:

- Phase 1. Enhanced A9 / A85 Junction and link to Berthapark and a new secondary school (under construction)
- Phase 2. Cross Tay Link Road (CTLR) - A9 to the A93 and A94
- Phase 3. Berthapark north link to A9 - linking Phases 1 and 2
- Phase 4. Associated City improvements such as traffic management measures and measures to further develop the cycling, walking and public transport networks in, and around, Perth to encourage travel by more sustainable modes.

To ensure that there is no increase in congestion and poor air quality, the Local Development Plan 2014 identifies specific areas as being constrained in terms of housing development until the Cross Tay Link Road is a committed project. Transport Infrastructure Paragraph 5.1.17 in the LDP (page 69) states the following:

“It is recognised that delivering the key projects will take many years resulting in a number of sites constrained until the infrastructure is in place or under construction. The major constraints are:

To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth there will be an embargo on planning consents for further housing of sites of 10 or more outwith Perth on the A93 & A94 corridors, until such time as the construction of the Cross Tay Link Road is a committed project. The embargo will not apply to brownfield sites.”

The proposed embargo received a number of submissions during the Proposed Plan stage, with several representations seeking a change to the wording in the Proposed LDP, including views on circumstances when the embargo should be lifted, whether it should have more or fewer exemptions, whether its geographic scope should be expanded, and some representations seeking greater clarity as to when and how the embargo should apply.

At the Proposed LDP examination, the Reporter considered all these points and requested further information on a number of matters. He also held a hearing session during which he considered transport infrastructure matters and he took all this into account in examining this issue and making recommendations on the Proposed LDP.

In considering the issue of the embargo, he looked into how far along the A93 / A94 corridors the embargo should apply, and found it reasonable to not extend beyond the Perth housing market area to include settlements such as Coupar Angus and Blairgowrie. In looking at an inner boundary, he accepted that development in areas such as Bridgend, Gannochy and Kinnoull would not be affected by the embargo but could increase traffic congestion and air quality problems within the city. However, he found that on balance these sites should be excluded from the embargo and he gave reasons for reaching this conclusion. He also looked at the timing and likely duration of the embargo, and the scope for exclusion of brownfield sites.

In concluding, he confirmed as reasonable the terms of the Proposed LDP: which proposed an embargo on greenfield housing development for sites of 10 or more outwith Perth on the A93 and A94 corridors until the CTRL is a committed project, and an embargo on development sites of 0.5 hectares or more outwith Perth on the A85 corridor until such time as the new A9/A85 junction has commence.

In response to this evidence, the Reporter acknowledged the issues surrounding the levels of pollution/traffic congestion with the following statement:

“31. The purpose of the CTRL is to address problems of traffic congestion and associated air quality problems within Perth. Its stated purpose is not to improve traffic levels in Scone or to discourage large goods vehicles from travelling through that settlement.

32. It has been concluded under Issue 25b that an initial phase of 100 houses could take place on site H29 in Scone in advance of the CTRL due to the relatively good public transport availability and the need for Scone to develop, given its status as a principal settlement in TAYplan.” (page 439 of the LDP Examination Report).

#### Embargo area

The embargo applies to the area identified in the map attached. Applications on the eastern edge should be dealt with on a case by case basis.

#### Categories of development

In terms of planning consents, the embargo is for applications on housing sites of 10 or more, both in principle and detailed unless there are Site Specific Development Requirements stating otherwise. The embargo does not apply to the following:

- Brownfield sites proposed for housing
- Housing sites of under 10 units
- Business applications

Any housing site proposal seeking consent that is of 10 or more units should therefore be refused on the grounds that it is not consistent with current Local Development Plan policy.

### Site specific issues

There is one site in the Local Development Plan for which the embargo will not be applied. The H29 Scone North site has a Site Specific Development Requirement which allows for 100 houses to be consented prior to the Cross Tay Link Road being a committed project.

This site was put forward in the Proposed Plan in 2012 with an embargo stating a requirement for the Cross Tay Link Road to be committed prior to any development taking place on the site.

A&JStephens objected to this embargo during the consultation on the Proposed Plan. The Proposed Plan was then taken to Examination. At this point, the Council considered the issue of both taking out the site and easing the embargo. The Scottish Government Reporter, having assessed all the available information regarding the site, decided to partially lift the embargo and allow 100 units to be developed before the Cross Tay Link Road becoming a committed project. The report is largely binding on planning authorities, meaning that they may only depart from the recommendations if there are exceptional circumstances. For more information about the examination process, you can look at the Scottish Government website:

[www.gov.scot/Topics/Built-Environment/planning/Appeals/whatwedo/devplansexaminations](http://www.gov.scot/Topics/Built-Environment/planning/Appeals/whatwedo/devplansexaminations)

To ensure that the whole area is treated cohesively, it is important that the overall site is Masterplanned. This will provide a framework for the site and ensure that issues of access, townscape, open space and infrastructure are considered from the outset in terms of the design of the site. Any planning application will therefore be required to provide a clear and consistent approach to the wider site. In this specific case, consent may be granted to a planning permission in principle to ensure that the site is not developed in a piecemeal approach. This will, of course, be subject to meeting all other Local Development Plan requirements. Detailed consent will only be allowed for the first 100 units as stated in the Local Development Plan and, again, dependant on the application meeting all other LDP requirements.

### Review

This embargo will be reviewed once the CTRL is considered by the Council as a committed project. In the *Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route* Report to Council on 14th December 2016, it proposed the following:

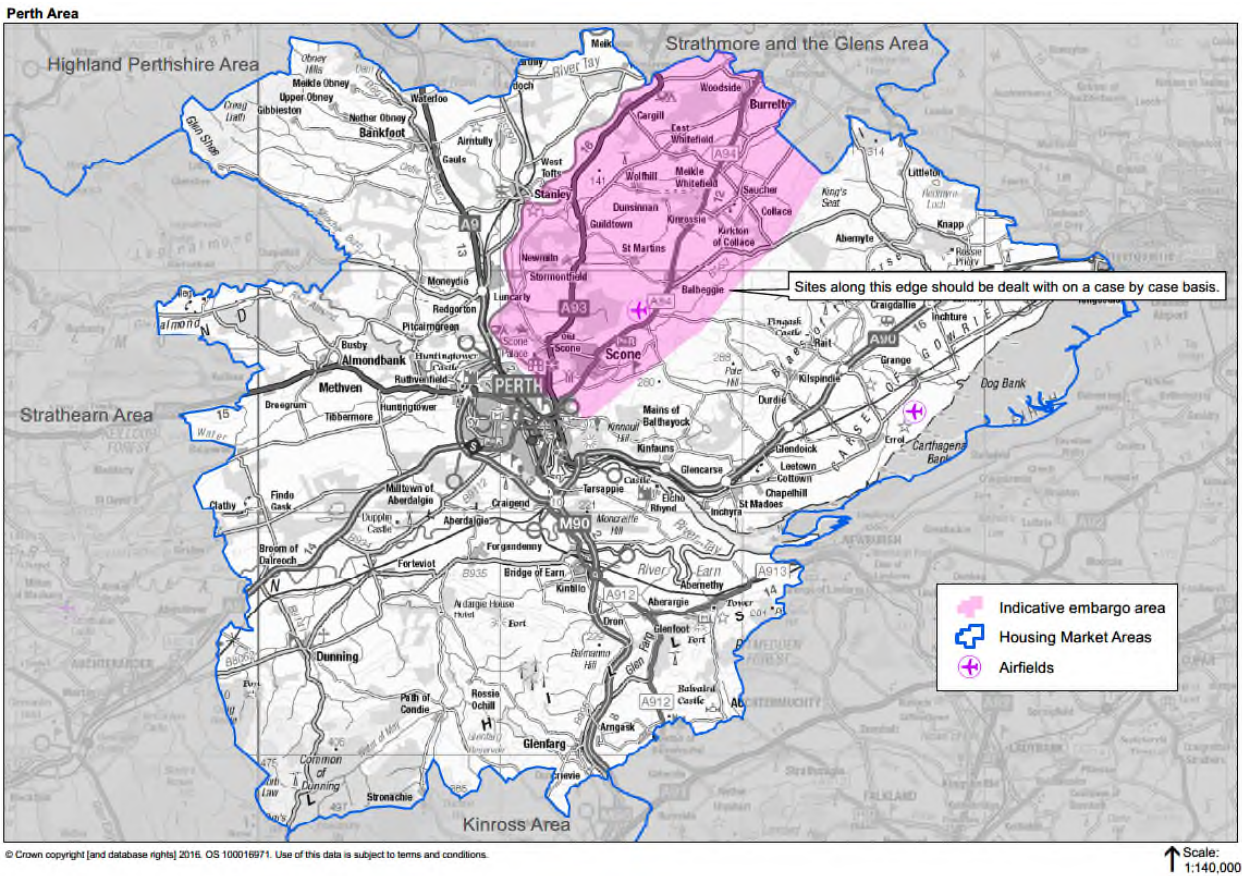
“The Council agree that the embargo on development on the A93 and A94 corridors on sites of 10 or more houses as set out in Paragraph 5.1.17 (1) of the Adopted Local Development Plan is lifted when the following criteria have been met.

‘It is the view of the Council that the CTRL becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced’.

As referred to in Para 1.30, it is the intention that the CTRL commences on site 2019. To achieve this, the current work programme envisages that the criteria required to fulfil the definition of a “committed project” will be achieved by early 2020. It is reasonable to assume given current ‘build-out’ levels in housing, that this will not unduly delay the development industry in moving proposals forward.” (1.36-1.37).



This Report was subsequently approved by the Council. The Report considers that the criteria required to fulfil the definition of a “committed project” will be achieved by early 2020.



## Appendix 2B – CTLR and LDP Timeline History

### Notes - CTLR / LDP History

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oct 2010 – Feb 2011 | <p><a href="#">Main Issues Report</a> Public consultation – Scone North identified for 700 houses. Notes can only be supported subject to commitment to construction of CTLR.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Jan - April 2012    | <p>The <a href="#">Proposed Plan</a> contained a general embargo restricting development on the A93 &amp; A94 corridor for housing sites of 10 or more until the CTLR is a committed project. The developer requirements for H29 were more restrictive stating layout of site cannot be finalised until road line and junction details for CTLR are finalised and houses cannot be occupied until CTLR constructed (<a href="#">Special Council Meeting 10 January 2012</a>).</p> <p>14 Consultation events including one in Scone on 20 Feb 2012 attended by 271.</p> <p>There were a number of <a href="#">representations</a> received with peoples' views ranging from wishing the embargo to be tightened up, to seeking an exemption from the embargo for site H29. The Community Council and about 31 others objected to Scone north site.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2012                | <p>Following the Plan's publication the then Director was alerted to the fact, on 13 January 2012 that there was an inconsistency between the general embargo and the site specific comments relating to the Scone North site. Whilst site specific comment in relation to Scone north proposed that houses could not be occupied until the construction of the CTLR this was inconsistent with the general embargo which made reference to a commitment to construction.</p> <p>The Director acknowledged this error but, contrary to claims by some, did not amend the Local development Plan as this can only be done by a decision of the Council. Indeed he noted that it was too late to change the Proposed Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 23 Jan 2013         | <p><a href="#">The Council met</a> to consider the issues that were raised in representations and to decide on our proposed response to these issues.</p> <p>In line with Government guidance on the preparation of Development Plans, the Council chose not to modify the Proposed Plan but to take the Proposed Plan and the unresolved issues straight to <a href="#">examination</a> for a Reporter to make a recommendation as to whether the Plan should be modified or not on this issue.</p> <p>Whilst the Council recommended no modification to the embargo it acknowledged If the Reporter is so minded the insertion of the suggested text to Paragraph 5.1.17 of the Proposed LDP will help with this clarification:</p> <p>'It is recognised that delivering the key projects will take many years resulting in a number of sites being constrained until the infrastructure is in place or under construction.</p> <ol style="list-style-type: none"> <li>1) To prevent the increased congestion on the Crieff Road area of Perth there is an embargo on further planning consents for developments of 0.5hectares or more outwith Perth on the A85 corridor, until such time as the A9/A85 Junction has commenced. Subject to the relevant agency committing to building the junction through the Capital Programme, consents will be released where an appropriate contribution is made;</li> <li>2) To prevent the reduction in air quality and increased congestion in the Bridgend area of Perth there is an embargo on planning consents for further housing for sites of 10 or more outwith Perth on the A93 and A94 corridors.</li> </ol> |

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|               | <p>This embargo does not apply to brownfield sites. When the relevant agencies have committed to building the Cross Tay Link Road through the Capital Programme, Major planning applications may be released using phasing agreements but smaller applications will be released where an appropriate contribution is made. Site H29 in Scone identified in the Plan will be released being limited to a maximum of 100 dwellings prior to the Cross Tay Link Road being completed.’(<a href="#">Report</a> page 431)</p> <p>This suggests that H29 is released when the CTLR is a committed project.</p> <p>In their response to site specific issues on H29 the council acknowledged that it would not be unreasonable to allow the construction of <b>100 houses once the CTLR is a committed project.</b> (<a href="#">Report</a> page 470)</p> <p>In his conclusions the Reporter stated<br/> “The Proposed Plan should be consistent on the terminology used. It would be too significant a constraint upon development for the embargo to endure until the CTLR was completed, as there is inevitably a time delay (often of several years) between the grant of planning permission for a new housing development and the traffic impact of that development being realised. It would not therefore be unreasonable for planning permission for such development to be granted in advance of the CTLR being built, provided that there was certainty that the road project was a definite commitment.” (<a href="#">Report</a> page 438)</p> <p>It has been concluded under Issue 25b that an initial phase of 100 houses could take place on site H29 in Scone in advance of the CTLR due to the relatively good public transport availability and the need for Scone to develop, given its status as a principal settlement in TAYplan. (<a href="#">Report</a> page 439)</p> <p>The Reporter recommended the following no modification to the embargo policy but the following modification for H29:</p> <p>Delete the first site-specific developer requirement. Replace with the following:<br/> “Masterplanning required for entire site (<b>allowing for only 100 houses in advance of the CTLR becoming a committed project</b>). The first stage of this masterplanning process will establish broad land use and placemaking principles for the site.” (<a href="#">Report</a> page 474)</p> |
| 18 Dec 2013   | The <a href="#">Council</a> unanimously accepted the Reporter’s recommendation and the Plan was modified prior to its adoption. Note legislation would not have permitted the Council not to adopt Reporters’ Recommendations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 8 Jan 2014    | Notice of intention to adopt the LDP is published.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3 Feb 2014    | Plan adopted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 17 March 2014 | <p>Legal challenge: six-week period for appeal to Court of Session expires.</p> <p>Paragraphs 160-161 of the Circular set out that if any person seeking to challenge the validity of the LDP, an application must be made to the Court of Session under s238 of the Act within six weeks of the adoption of the Plan. The relevant dates were 3 February to 17 March 2014. No such challenge was made.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## **Appendix 2C – Perth's Transport Future Project Committee Report (14 Dec 2016)**

### **PERTH AND KINROSS COUNCIL**

#### **Council Meeting**

**14 December 2016**

#### **Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route**

##### **Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development)**

The report focuses on the proposed preferred route for Phase 2 of the Perth's Transport Future project which consists of a new link road from west of the A9 crossing the River Tay and linking with the A93 and A94. The report also provides detail on current costs and funding issues and other related matters in taking the project forward.

### **1. BACKGROUND / MAIN ISSUES**

- 1.1 It is widely acknowledged that Perth is a major strategic hub in the Scottish Transport network where the principal routes connecting the central belt to North and North East Scotland converge. Perth also has the distinct advantage of having major road connections to all of Scotland's cities with a drive time of within 2 hours. However, over the past 20 years, as a result of increasing levels of traffic and new local development, there has been increasing concern about the noticeable increase in traffic congestion and related air quality issues in, and around, Perth.
- 1.2 As a result of these traffic and air quality issues, it was clear that there were both current, and potentially exacerbated future, problems which needed to be addressed. This was required in order to ensure that congestion did not undermine the future development of the city nor impact on the wider national economy.
- 1.3 Failure to examine this congestion will continue to undermine the air quality problem and the increased congestion and delays will further constrain the day to day operation of the city centre. The need for a package of measures which address this problem has, therefore, been identified as an issue over many years. The full background of key decisions taken by the Council in the adoption of Perth's Transport Future is outlined in Appendix 1.
- 1.4 While exploring the transport related solutions to these problems, it became apparent it would be beneficial if they were also able to support sustainable economic growth opportunities for Perth and the wider Council area as a whole. As such, this approach of aligning development and TP has now been recognised as good practice, and has become a key consideration on which the Strategic and Local Development Plans are now founded.



- 1.5 In the main the Perth's Transport Future Project is focussed on the need for major road infrastructure which will be required to address key congestion points in the road network and to provide essential linkages to growth areas set out in the Local Development Plan. It is of note that the last major infrastructure in Perth was over 35 years ago with the construction of the Perth Western Bypass.
- 1.6 The new infrastructure, however, will not or cannot serve to support unrestricted growth in traffic, particularly in the city centre. As such, the key elements of Perth's Transport Future form an integrated series of infrastructure measures to address Perth's long term transportation needs. They will ensure Perth's growth does not compromise the national trunk road network and also, importantly, allow the development of better public space with a safer, improved environment for business, retail, leisure and residents particularly in the central areas of the city.
- 1.7 As a result of the timelines required for taking various elements of the Perth's Transport Future package forward it has been broken down to a series of phases. While the individual phases all deliver direct benefits, the ability of the Perth network to accommodate the projected economic growth, including the opportunity to create thousands of jobs and deliver the Local Development Plan allocations, will only be achieved with the delivery of the full package of measures. These measures will be delivered over a number of years and are split into 4 phases:-
- Phase 1. Enhanced A9 / A85 Junction and link to Berthapark and a new secondary school (under construction)
  - Phase 2. Cross Tay Link Road (CTLR) - A9 to the A93 and A94
  - Phase 3. Berthapark north link to A9 - linking Phases 1 and 2
  - Phase 4. Associated City improvements such as traffic management measures and measures to further develop the cycling, walking and public transport networks in, and around, Perth to encourage travel by more sustainable modes.
- 1.8 There are significant benefits arising from the totality of the Perth's Transport Future Project. These can be summarised as:
- An upgraded A9/A85 junction providing for better flow of both local and through traffic in and around the busy Crieff Road area with easier connections to Inveralmond as a result of Phase 1 of the project.
  - A second major access to Inveralmond will relieve pressure on this junction at peak times
  - Improved pedestrian and cycle safety across the city and key routes as a result of better facilities and reduced levels of traffic.
  - Reduction of journey times on the local transport network and increased network capacity for more sustainable modes of travel.

- Completion of the 3<sup>rd</sup> Tay Crossing, so further enhancing and providing the required step change in the transport network in, and around, Perth.
- Expansion of Perth as envisaged in the Local Development Plan.
- Improved amenity for residents and businesses in the Crieff Road corridor, Scone, Bridgend and the city centre generally.
- A positive contribution towards meeting the objectives of the Council's Air Quality Action Plan (AQMA) within both the Crieff Road Corridor and wider Perth
- Potential for the creation of between 3,000 – 5,000 jobs through the opening up of development land

1.9 Members will be aware that Phase 1 of Perth's Transport Future has recently started on site. This will provide a new link road from Crieff Road across the A.9 and River Almond into Bertha Park. The link will also provide the required access to the new secondary school and provide some immediate benefits to the industrial Estate and Inveralmond Roundabout. A layout plan showing the Phases 2 and 3 of the project is outlined in Appendix 2. (Sections 2, 3 and 4 in the layout plan equate to Phase 2 of the CTLR).

#### **THE PREFERRED ROUTE FOR THE CROSS TAY LINK ROAD - TECHNICAL ASSESSMENT:**

1.10 All major transport projects that have an interface with the Trunk Road Network have a set procedure to follow to ascertain on balance the most efficient and cost effective solution. This technical process, which followed on from a comprehensive review of all the relevant transport related issues in and around Perth, completed in 2010, is referred to as the 'Design Manual for Roads and Bridges, (hereafter in the report referenced as DMRB).

1.11 The first phase of this work (DMRB Stage 1), was completed in November 2011 and examined three corridor options for a potential Cross Tay Link Road (CTLR); two to the north of Perth and one to the south of Inveralmond. The conclusion from this Stage1 assessment recommended that one of the corridors to the north of Perth be taken forward. Consequently at its meeting of 10 January 2012 (Report No. 12/5 refers) the Council agreed that one of the northern routes for the Cross Tay Link Road within the corridor be taken forward.

1.12 In summary, this corridor followed an approximate route through Bertha Park crossing the A.9 midway between Inveralmond and Luncarty and then progressing over the existing A9, the Perth to Inverness rail line, the River Tay and linking up to the A93 and A94 north of Scone. The corridor breadth at this early stage was still relatively wide with the subsequent more detailed DMRB Stage 2 tasked with considering various route alignment options within this corridor and proposing a final preferred route. This work has recently completed and is the subject of this report.

- 1.13 A full copy of the Design Manual for Roads and Bridges Stage 2 Report for the Cross Tay link Road is available for inspection in the members lounge. Given the volume of technical material within this document, a more condensed Non Technical summary of the Stage 2 study is also available.
- 1.14 As part of the DMRB Stage 2 assessment the corridor has been assessed as 4 separate sections between the River Almond in the west and a new junction with the A94 north east of Scone. This has been done to make the assessment process more manageable. In each of the sections, two route options (A-red and B-blue), shown in Appendix 2, have been considered with respect to the overall impact on any engineering factors and importantly any environmental considerations. The final proposed route is then a balanced view on the 'preferred' or best performing option in each of the sections, with the 'preferred' option from each section forming the final preferred route for the project.
- 1.15 Due to the very sensitive nature of the area under consideration in terms of the natural landscape, impacts on Scone Palace and the multitude of protected or listed sites of special interest, the environmental assessment for the CTLR has been comprehensive. While the full DMRB Stage 2 report highlights all environmental considerations in detail, as an indication of the types of considerations undertaken, typically the following issues were assessed: earthworks requirements, flooding, air quality, ecology, landscape impacts, geology and noise impacts.
- 1.16 An important element of the final route will be the functionality of the road itself. In summary the route will consist of a 7.3m wide main carriageway with two 1m wide hard strips marked by a solid white road edge line. This is consistent for a road with this level of predicted traffic and is similar to the route dimensions in Phase 1 of the project. The northerly verge will be a minimum of 2.5m wide depending on any visibility requirements. The southern verge will consist of a 1.5m verge with a shared footway/cycleway of 3m along the length of the route. It will be possible, when completed, to be able to cycle or walk on a dedicated path from the north end of Scone to Crieff Road with connections to existing links into various locations within the city.

## **INTERFACE WITH EXISTING MAJOR ROADS**

- 1.17 The interaction between the new road with other roads has been a key element of the work so far. At most major locations, it is planned to provide at-grade roundabouts to the junctions on the A93 and A94 and a major new roundabout junction at Stormontfield Road. In discussions with Scone Estates this will allow the potential for providing a dedicated new access to the Palace and the racecourse. Members will be aware of the difficulties that are experienced in the city centre when any major events or activities take place within the Estate grounds. The new CTLR will alleviate these problems significantly with a much more attractive, direct route to events. In the past, accessibility to the Estate may have been seen as a deterrent with traffic having to negotiate the busy city centre. The new access provided by the CTLR will, however, potentially enable or encourage other major regional or national events to consider Perth as a location.

- 1.18 The main junction, however, and the most complex element of the entire route has been the design and structural requirements of crossing the existing A9, the railway and the river Tay. This will be achieved with a new grade separated junction over a realigned A9 with the crossing of the river providing an opportunity for a significant gateway feature entry into Perth. While a relatively simple low level crossing of the River will be the cost effective solution, more iconic structural designs have been considered. However, final decisions on the type of structure can be taken at a later stage in the process.

### **PREFERRED ROUTE:**

- 1.19 The preferred route for Phase 2 of the Perth's Transport Future project is outlined in Appendix 3. This has been based on the assessment of compliant technical standards, a range of environmental and engineering factors and dialogue in particular with Historic Environment Scotland and Scone Estates. While Appendix 3 outlines 4 separate sections, as referred to in Para 1.9, of this Report, Phase 2 of Perth's Transport Future ( i.e the Cross Tay Link Road) considers sections 2, 3 and 4 on the plan. Section 1 of the plan which will encompass Phase 3 of Perth's Transport Future, and is the link through Bertha Park. This will connect Phase 1, which is the A9/A85 link currently under construction, and Phase 2, the Cross Tay Link. At this time, it is the intention that Phase 3 will be delivered by the developer of Bertha Park.

### **PROJECT COST ESTIMATES:**

- 1.20 In tandem with the development of the preferred route, the costings for the project have been assessed. At this stage in the process, the indicative costs for Phase 2 of the project are £113m, comprising all related costs for construction only and excludes land acquisition. This includes an appropriate value for optimism bias as per industry standards. The costs will be refined as the project progresses through the various design stages. It is envisaged dialogue with landowners will be taken forward as the project moves to the next stages with respect to land costs. The Council has allocated £78m over the financial period 2019/20 to 2021/22 in its Capital Budget, leaving a funding shortfall of approximately £35m. The balance of funding is currently being progressed as a bid to the Tay Cities Deal project.

### **ECONOMIC BENEFITS:**

- 1.21 The business case for the project has also been developed as part of the overall assessment of the route. There are two separate types of benefits that a scheme of this nature provides. Firstly, there are the transport benefits to road users as a result of travel time savings that accrue over the period of assessment. It has been found that the construction of the CTRLR greatly improves the operation of the entire transport network providing benefits, in particular, for strategic or 'through' traffic currently having to negotiate the busy city centre heading northwards. As a direct consequence, this opens up capacity for more local traffic and other sustainable modes of travel as well as providing a range of safety and environmental benefits.



- 1.22 While the final value of the benefits will be refined as the project progresses towards implementation, indications are that over the standard 60 year appraisal period, benefits outweigh costs of the scheme by a ratio of over 6 to 1. It is rare a major road infrastructure project performs so well but this is not unexpected given the current level of delays at peak times of the day in and around Perth Bridges, Crieff Road and the major junctions at Broxden and Inveralmond.
- 1.23 Secondly, as an additional exercise to help inform the proposed bid for City Deal funding, the Council has commissioned work on the potential benefits of the project in terms of increased economic activity which may materialise as a result of the new road. While this work will support the full Strategic Business Case to be taken forward for City Deal funding, the emerging findings are significant. It is estimated the CTRLR contributes directly to economic outcomes by virtue of providing significant uplift in Gross Value Added (GVA), net additional employment, private sector investment and net additional tax revenues. A draft version of this Report (Cross Tay Link Road: Business Case) carried out by Consultants Peter Brett Associates on behalf of the Council is available for members to view in the Members Lounge. Headline figures from the report include:
- 9200 housing units of which 91% are as a direct consequence of the project
  - £966m of private sector investment via new housing and employment sites
  - £10.6m additional tax revenue once fully developed and occupied at 2033
  - 5359 net additional full time equivalent jobs once fully developed and occupied in 2033
  - In summary terms, for every £1 of capital invested in the CTRLR it will generate £4.30 of revenue
- 1.24 These benefits are in addition to the transport benefits outlined in Para 1.23.

#### **COMPULSORY PURCHASE:**

- 1.25 The extent of the necessary land needed to construct the CTRLR is currently being refined and a future report will ask the Council to formally agree to any necessary purchase of land. At this point, the Council's Head of Legal and Governance will be able to initiate the required statutory procedures to acquire the land by Compulsory Purchase.

- 1.26 In the meantime, however, it is the intention for officers to commence dialogue with affected landowners, with a view to acquiring any land required by agreement. As there are relatively few landowners within the limits of the CTRL, who may also have a direct interest in the completion of the road, it is hoped the majority of land required can be obtained in this manner. However, given the extent of the scheme and the need to offset any potential future delays, it is recommended that a Compulsory Purchase Order (CPO) is promoted in the event that negotiations for a voluntary sale cannot be completed in time.
- 1.27 In acquiring the entire site by means of CPO, this will also ensure there are no gaps in title affecting the Council's ownership of the land required. However, in taking forward the detailed design phases of the project, the land take required to construct the CTRL will be minimised and, where appropriate, the Council will enter into discussions regarding reasonable accommodation works.
- 1.28 As an extension of Phase 1 of the Perth's Transport Future project, it is proposed the District Valuer Service is instructed by the Council to act as agent in the negotiation of the required land purchase and Brodies solicitors instructed to handle the legal work associated with the project.

#### **PROGRAMME:**

- 1.29 It is the intention that the CTRL is to commence construction in 2019 and be open to general traffic by 2022. The Council, in assuming a build programme of 3 years, has allocated within its composite capital budget allocations of £23m in financial years 2019/20, £25m in 2020/21 and £30m in 2021/22.
- 1.30 There are, however, significant tranches of work that will need to be completed prior to 2019/20, which would require acceleration of these budgets. These include vesting of the land, full planning consent, any statutory consents required and a full Procurement strategy potentially involving an Early Contractor Involvement approach, as was utilised on Phase 1 of the project. A more comprehensive programme is being developed at this time to meet required timescales. While this is being developed, there are urgent areas of work involving further geotechnical investigation and commencing environmental surveys as part of the Environmental Impact Assessment requirements. In order to meet timescales, this will be taken forward as a matter of urgency.

#### **RELATED PLANNING MATTERS:**

- 1.31 As part of the consideration of the current adopted Local Development Plan the Scottish Ministers, so as to minimise any future congestion impacts on the Bridgend area of Perth, confirmed an embargo on further housing sites of 10 units or more in and around the Scone area. The Reporter also as part of his deliberations in considering the strategic housing site at Scone North placed a limit of 100 houses that could be built in advance of the CTRL becoming a committed project. At the time there was no clear definition of what a 'committed project' actually meant, having potentially numerous interpretations.

1.32 While the Scone North proposals are currently being taken forward by the developer involved, there has been a significant degree of interest with the relationship between this proposed housing site and the CTRL. It is the view that irrespective of whether the housing proposals come forward for Scone North, the case for the road is completely separate. This is because its impacts and advantages are more at the city or regional level scale rather than related to any particular development. However, the term 'committed project' has been the subject of much interest recently, with the obvious connection of the housing site and the new road.

1.33 To clarify matters, it is proposed that a definitive position is taken which not only will protect the Council should any delays to the project occur, but also give appropriate assurances to the local communities in the A93 and A94 corridors. It will also provide the development industry with confidence and a clear timetable which is not unduly restrictive. There are a number of key stages to complete prior to a contractor starting work on the construction of the CTRL, including planning approval, necessary statutory consents, ground investigations, site survey and the process to acquire the required land through negotiation or compulsory purchase.

1.34 In the normal course of events, it would be prudent for the Council to define 'committed' as:

"It is the view of the Council that the CTRL becomes a committed project when all funding, statutory approvals, trunk road orders and consents are in place and an appropriate contractor appointed, as a result of a proper tendering process".

1.35 In this case, however, it is likely that the CTRL works will be awarded as a "Design and Build" contract. These contracts include a considerable period between the award date and the site start. During this period, the detailed design is undertaken and the necessary design certifications obtained. Accordingly, it is considered appropriate for the CTRL that the final and critical criteria required to release the embargo is a start on site.

1.36 Consequently it is proposed that the Council agree that the embargo on development on the A93 and A94 corridors on sites of 10 or more houses as set out in Paragraph 5.1.17 (1) of the Adopted Local Development Plan is lifted when the following criteria have been met.

It is the view of the Council that the CTRL becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced.

1.37 As referred to in Para 1.30, it is the intention that the CTRL commences on site 2019. To achieve this, the current work programme envisages that the criteria required to fulfil the definition of a "committed project" will be achieved by early 2020. It is reasonable to assume given current 'build-out' levels in housing, that this will not unduly delay the development industry in moving proposals forward.

## 2. PROPOSALS

- 2.1 A Project Board has already been established for Phase 1 of the Perth's Transport Future project and led on the design, land acquisition, procurement and delivery of Phase 1 of the project. It is planned that this Board is continued and tasked to take the various workstreams forward, leading to the award of a successful tender exercise and appointment of a suitable contractor.

## 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Perth's Transport Future project plays a key role in the improvement of air quality, reductions in congestion and is crucial to sustainable development and the economic growth of the area. This report outlines the breadth of work undertaken as part of the DMRB Stage 2 process and the resultant recommendation of a final preferred route for the CTLR.
- 3.2 It is recommended that the Council:
1. Agrees that the route identified in Appendix 3 of this report is adopted as the preferred route for Phase 2 of the CTLR
  2. Agrees that the wording as set out in Para 1.34 is the accepted definition of the phrase 'committed project' as referred to in the Local Development Plan
  3. Authorises the Depute Chief Executive Environment (Sustainability, Strategic and Entrepreneurial Development) to progress discussions with key statutory agencies including Transport Scotland in relation to future City Deal funding
  4. Requests a future report with an update on developments and the necessary Compulsory Purchase Order.

### Author

| Name       | Designation                       | Contact Details                                |
|------------|-----------------------------------|------------------------------------------------|
| Alex Deans | Team Leader<br>Transport Planning | 01738 475000<br>TESCommitteeReports@pkc.gov.uk |

### Approved

| Name          | Designation                                                                                                  | Date             |
|---------------|--------------------------------------------------------------------------------------------------------------|------------------|
| Jim Valentine | Depute Chief Executive,<br>Environment<br>(Sustainability,<br>Strategic &<br>Entrepreneurial<br>Development) | 28 November 2016 |



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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>Yes</b>        |
| Workforce                                           | <b>Yes</b>        |
| Asset Management (land, property, IST)              | <b>Yes</b>        |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>Yes</b>        |
| Strategic Environmental Assessment                  | <b>Yes</b>        |
| Sustainability (community, economic, environmental) | <b>Yes</b>        |
| Legal and Governance                                | <b>Yes</b>        |
| Risk                                                | <b>Yes</b>        |
| <b>Consultation</b>                                 |                   |
| Internal                                            | <b>Yes</b>        |
| External                                            | <b>Yes</b>        |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>Yes</b>        |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

- 1.1 The project supports the Community Plan vision. Specifically the project encourages sustainable economic growth, improves and creates a safer environment and healthier choices for sustainable travel. The project supports the following outcomes:

- (iii) Promoting a prosperous, inclusive and sustainable economy
- (v) Creating a safe and sustainable place for future generations

#### Corporate Plan

- 1.2 The Council's Corporate Plan 2013-2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.3 The project's benefits in respect of the wider objectives of the Corporate Plan are outlined below

- Giving every child the best start in life – provides access to the proposed new school campus.
- Promoting a prosperous, inclusive and sustainable economy – assist the delivery of sustainable economic growth of the Perth Area, in particular opening up of economic development land to the north and north west of Perth.
- Supporting people to lead independent, healthy and active lives – The project will reduce congestion and therefore reduce traffic emissions, thereby contributing positively to air quality in the corridor and surrounding area. This will have a positive benefit for the health of residents in this area. The project also includes enhanced provision for pedestrian and cyclists providing a more positive environment and could encourage more people within the area to walk and cycle.
- Creating a safe and sustainable place for future generation – The project will facilitate the delivery of the Local Development Plan strategy to support the sustainable economic growth of the area. In addition, by facilitating the Cross Tay Link Road and delivering the “Shaping Perth’s Transport Future” transport strategy, this project can contribute to reducing the carbon footprint of the area and promoting sustainable travel modes. The project will lead to lower journey times and reduce congestion, while providing more travel connections and alleviating the conflict between local and through traffic movements. This will provide for a better environment for this area.

## **2. Resource Implications**

### Financial

2.1 The approved capital budget has a total project budget for Phase 2 of £78m (2019/20 £23m, 2020/21 £25m, 2021/22 £30m). Funding options for the estimated project shortfall of £35m will be explored.

### Workforce

2.2 As above

### Asset Management (land, property, IT)

2.3 Land issues are identified within the body of the report. Future maintenance will be addressed through existing budgets,

## **3. Assessments**

### Equality Impact Assessment

3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process using the Integrated Appraisal and have been assessed as not relevant for the purposes of EqIA

## Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. No action is required as the Act does not apply to the matters presented in this report. However an assessment was undertaken for the plan 'Shaping Perth's Transport Future' in 2014. The proposal was also considered through the environmental assessment of the Local Development Plan

## Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions. The assessment of the proposal was undertaken as part of the Strategic Environmental Assessment where it was demonstrated that it would have both positive and negative environmental effects, for example by improving air quality, reducing congestion, improving journey times and community benefits in terms of removing traffic from the city centre.

## Legal and Governance

- 3.4 The Perth's Transport Future project has been under development for a number of years. Appendix 1 outlines the approvals undertaken by the Council, and its Committees over that time period.

## Risk

- 3.5 A Project board will be extended to oversee the delivery of Phase 2 of the project. Membership includes the Heads of Legal and Governance Services and Finance. The Board examines all issues in relation to risk through the risk matrix

## **4. Consultation**

### Internal

- 4.1 The Executive Officer Team, the Head of Finance and the Head of Legal and Governance have been consulted in the preparation of this report.

### External

- 4.2 None

## **5. Communication**

- 5.1 This is a significant infrastructure project which will require a detailed communications plan. Extensive consultation will be carried out with key agencies and the general public as part of the forthcoming planning process.

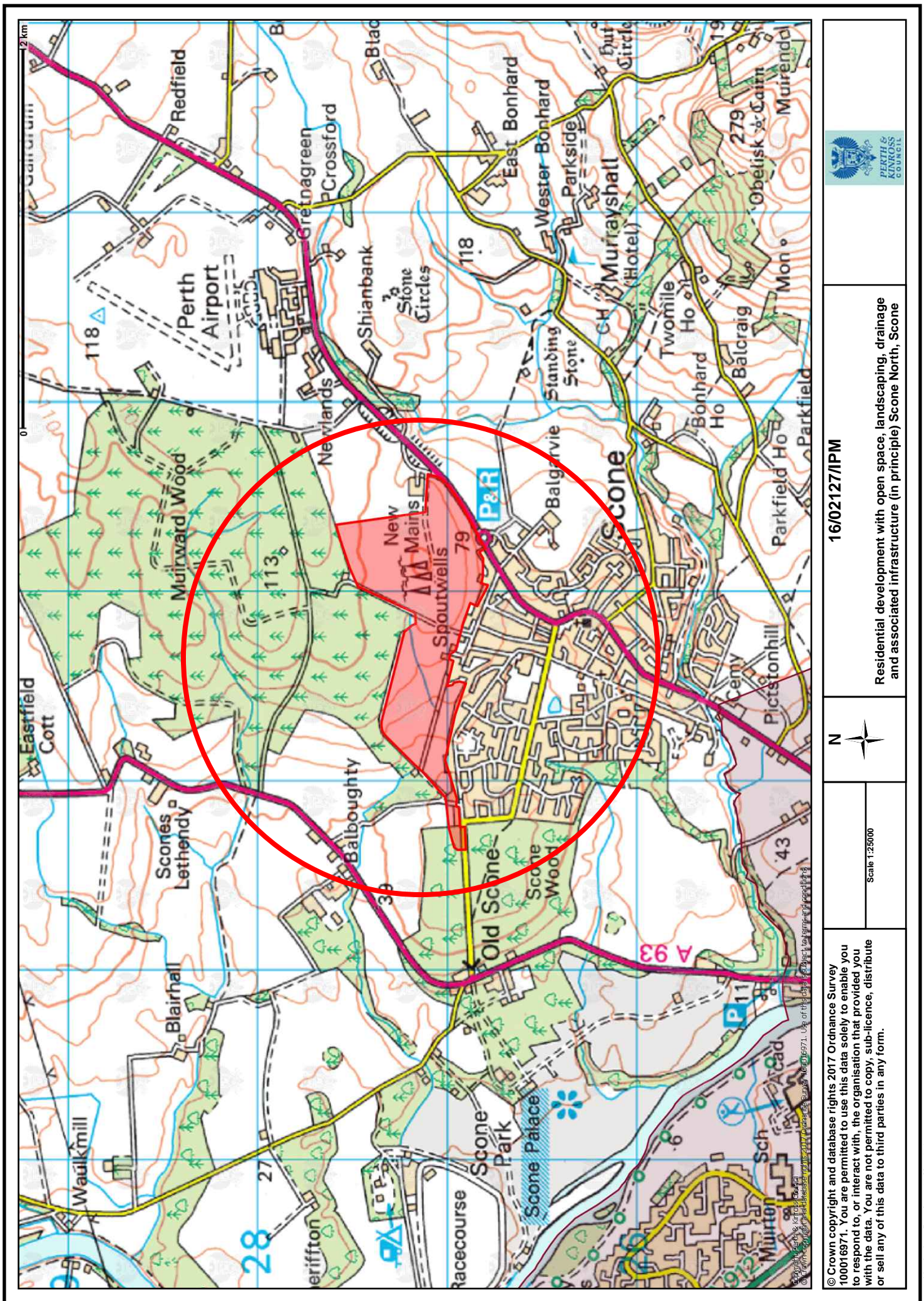


## **2. BACKGROUND PAPERS**

2.1 None

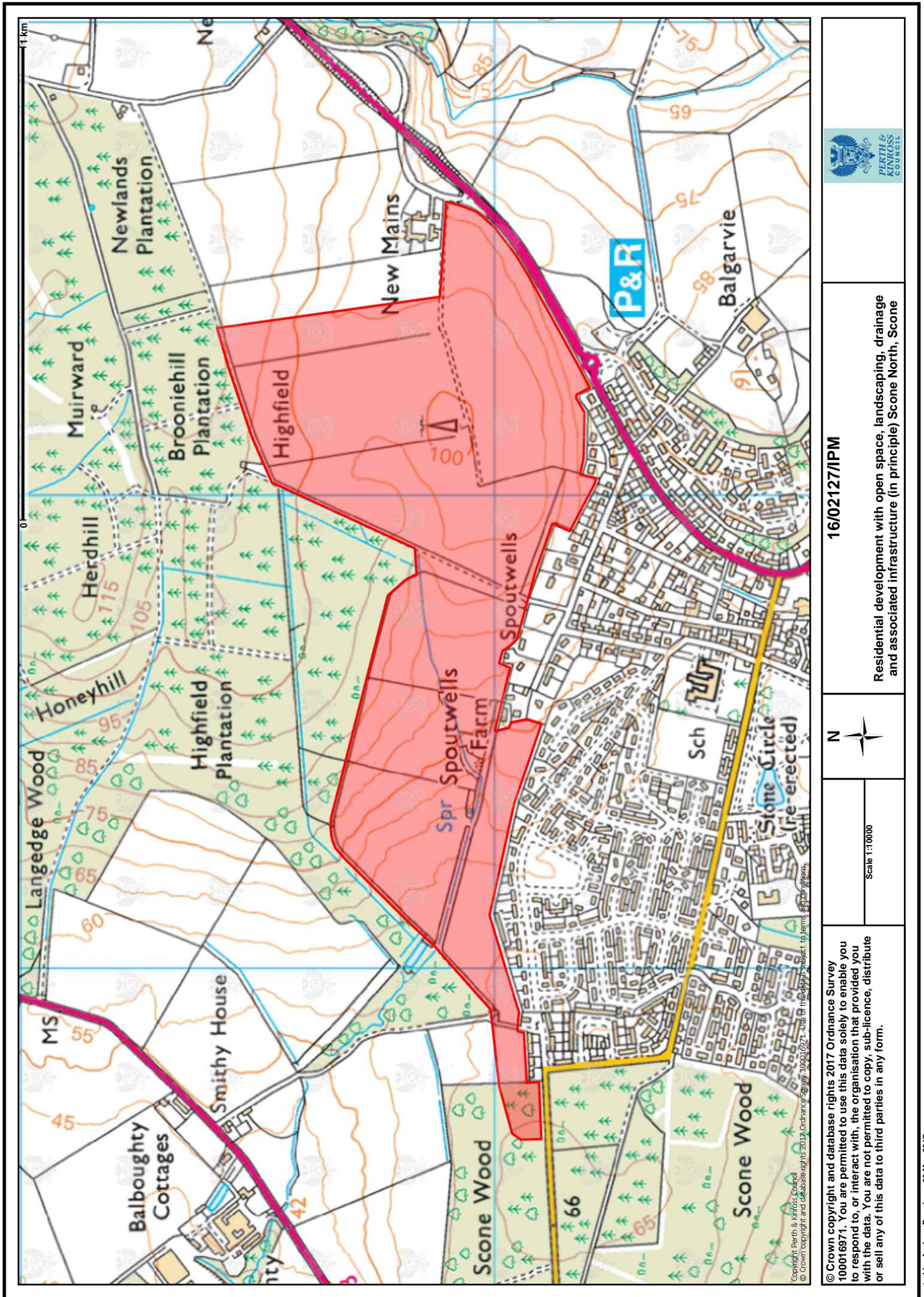
## **3. APPENDICES**

3.1 Appendix 1: Timeline for Decisions taken previously  
Appendix 2: Layout Plan illustrating Phase 1 and 2 of the CTRLR project  
Appendix 3: Preferred Route for approval













Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Report of Handling by Interim Head of Planning

Erection of school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works on land at Berthapark to the North West of Perth, within Local Development Plan (LDP) allocation H7.

Ref. No: 17/00198/FLM  
 Ward No: N5 - Strathtay

### **Summary**

This report recommends approval of this detailed application to erect a school with a supporting biomass/energy plant, playground areas, sport pitch provision, landscaping, vehicle parking, access and associated infrastructure works on land at Berthapark (H7) Strategic Development Area. The development is considered to comply with the current Development Plan, providing considerable benefit, both in the future as a hub for the Berthapark community and future school provision for the wider area. The application is recommended for approval, subject to conditions.

## **BACKGROUND AND PROPOSAL**

- 1 The site is located within the heart of the forthcoming Berthapark settlement, subject to in principle planning approval 15/01112/IPM, within a 333 hectare site consisting of agricultural land and woodland. The site in question is characterised by agricultural land.
- 2 The site, which extends to 4.67 hectares, is situated directly north of the river Almond, sitting above and beyond Inveralmond Industrial Estate to the south, north and west of the A9 trunk road. Rural in nature, the site is broadly flat, benefiting from some key mature landscaping to the south and the associated topography.
- 3 The wider site area is acknowledged to change dramatically in character over the next two decades as the residential areas and supporting infrastructure is built out to the north, east and west of the site. As part of the in principle masterplan, building heights in central areas adjacent to the school were anticipated to rise up to 3 storey in height with a “School Square” identified to the north of the school subject of this application. The school site has been located immediately to the east of a new distributor road and roundabout.

- 4 The development proposals comprise the following elements:
  - Non residential institution (Use Class 10) for 1100 secondary school pupils
  - Biomass/Energy Plant
  - Sustainable Urban Drainage Systems (SUDS)
  - Landscaping
  - Recreation/sports and open space provision and facilities
  - Parking and access
- 5 The associated site plans accompanying the application, highlight the different elements of the physical proposals, including the principal large four storey building, which is dramatic in form, with the four storey façade facing north onto the newly created high street, tapering down and to the rear at the south with a mono pitch roof and modern materials. The proposed school dimensions are as follows:
  - Principal (northern) elevation – 77m
  - Rear (southern) elevation – 43m
  - Side (east and west) elevations – 105m
  - Height (at highest point of roof) – 17.5m
- 6 The energy centre, which is located further south into the site, takes a similar architectural cue.
- 7 The school is proposed to be set back and down from the high street, approximately 500mm lower, with a feature retaining wall and seating area along the frontage. Parking has been identified to the west, with more direct access parking opportunities to the east, including associated drop off and principal bus drop off points.
- 8 Formal play spaces have been identified, including a grass pitch, synthetic pitch and Multiple Use Games Area (MUGA). In addition, there are elements of structural landscaping planting proposed, intended to be flexible and adaptable, providing for use by staff and pupils as part of the school curriculum. Playground areas will provide for active and passive play opportunities.
- 9 The application has been accompanied by a supporting Transport Statement, Air Quality Assessment, Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Noise report.

## **Environmental Impact Assessment (EIA)**

- 10 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 A formal screening exercise has already been completed for the site and the associated proposed use (15/01079/SCRN), with a screening opinion that an EIA is not required to be undertaken in this context.

## **PRE-APPLICATION CONSULTATION**

- 13 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 14 A Proposal of Application Notice (PAN) (16/00012/PAN) was submitted to the Council on 20<sup>th</sup> October 2016 and approved on 15<sup>th</sup> November 2016. A public exhibition was held on 15<sup>th</sup> November 2016. The ward 5 Councillors and local Community Councils were all notified. The results of the community consultation have been submitted with the application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 15 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 16 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

## **The Scottish Planning Policy 2014**

- 17 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans.
  - The design of development, from initial concept through to delivery.
  - The determination of planning applications and appeals.
- 18 Overarching topic areas relevant to this application include:
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 19 Specific detailed topic area paragraphs include:
- 20 A successful Sustainable Place
- Paragraphs 135 – 151 Valuing the Historic Environment
- 21 A Natural, Resilient Place
- Paragraphs 193 – 218 Valuing the Natural Environment
  - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 22 A Connected Place
- Paragraphs 269 – 291 Promoting Sustainable Transport and Active Travel
  - Annex B – Parking Policies and Standards
- 23 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 68 Design Statements



- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

### **Designing Places 2001**

- 24 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

- 25 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 26 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"*

- 27 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

### **Policy 1 – Location Priorities**

- 28 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

## **Policy 2 – Shaping better quality places**

- 29 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

## **Policy 3: Managing TAYplan's Assets**

- 30 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

## **Policy 4: Strategic Development Areas**

- 31 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 32 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

## **Policy 8 – Delivering the Strategic Development Plan**

- 33 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

## **Perth and Kinross Local Development Plan 2014**

- 34 The LDP was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 35 The LDP sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*

- 36 Under the LDP, the following policies are of particular importance in the assessment of this application.

**Policy PM1A - Placemaking**

- 37 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

**Policy PM1B - Placemaking**

- 38 All proposals should meet all eight of the placemaking criteria.

**Policy PM2 - Design Statements**

- 39 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

**Policy PM3 - Infrastructure Contributions**

- 40 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

**Policy ED1A - Employment and Mixed Use Areas**

- 41 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

**Policy TA1A - Transport Standards and Accessibility Requirements**

- 42 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

**Policy TA1B - Transport Standards and Accessibility Requirements**

- 43 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF1B - Open Space Retention and Provision**

- 44 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

- 45 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy CF3 - Social and Community Facilities**

- 46 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided

### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 47 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 48 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy NE1A - International Nature Conservation Sites**

- 49 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

### **Policy NE1B - National Designations**

- 50 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.



### **Policy NE2A - Forestry, Woodland and Trees**

- 51 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 52 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 53 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 54 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 55 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 56 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

### **Policy EP2 - New Development and Flooding**

- 57 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP3A - Water, Environment and Drainage**

- 58 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

### **Policy EP3B - Water, Environment and Drainage**

- 59 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 60 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP3D - Water, Environment and Drainage**

- 61 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP5 – Nuisance from Artificial Light and Light Pollution**

Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects to neighbouring properties or cause avoidable adverse light pollution.

### **Policy EP11 - Air Quality Management Areas**

- 63 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

### **Policy EP12 - Contaminated Land**

- 64 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **OTHER POLICIES**

- 65 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
  - Employment and Mixed Use Areas Supplementary Guidance May 2014.
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
  - Green Infrastructure Supplementary Guidance November 2014

### **Perth & Kinross Community Plan (2006 – 2020)**

- 66 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

### **Perth & Kinross Corporate Plan 2013-2018**

- 67 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

### **Perth and Kinross Local Transport Strategy**

- 68 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

### **The Perth City Plan 2015 – 2035**

- 69 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

## **SITE HISTORY**

- 70 15/01112/IPM - Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle), which was approved by the Development Management Committee in May 2016, with a decision issued on 12 December 2016 following the conclusion of an associated legal agreement.
- 71 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. Response provided 15<sup>th</sup> July 2015
- 72 16/00012/PAN Erection of high school with pitches and multi-use games area Decision issued 15<sup>th</sup> November 2016

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 73 Supported further investigation of biodiversity opportunities within the site and recommended that the applicant should appropriately consider scope for future proofing of linkages with district heating and associated infrastructure.

#### **Scottish Water**

- 74 Confirmed that capacity exists to accommodate the development and also clarified that dialogue was ongoing regarding the wider Berthapark development. .

#### **Scottish Natural Heritage (SNH) (Tay SAC)**

- 75 Advised there was considered to be no adverse impact on the proposal in relation to the Tay Special Area of Conservation, confirming that no Appropriate Assessment was required to be undertaken.

#### **Royal Society for the Protection of Birds (RSPB) Scotland**

- 76 Comfortable with the biodiversity assessment submitted, with a recommendation to establish further scope for biodiversity opportunities and more detail relating to the sustainability considerations attributed to the inception and ongoing operation of the proposed energy centre associated with the school development.

#### **Transport Scotland**

- 77 Consider the proposal to be acceptable.

### **Perth & Kinross Heritage Trust (PKHT)**

- 78 Confirmed that the proposed development site lies within an area previously reviewed as part of the wider Berthapark development, identifying no archaeology identified on site.

### **Luncary, Redgorton and Moneydie Community Council**

- 79 No comment received.

### **Methven Community Council**

- 80 No comment received.

### **INTERNAL**

### **Community Greenspace Team**

- 81 Comfortable with the approach being proposed, with suspensive conditions covering the detailing

### **Transport Planning Officer (TP)**

- 82 No objection to the proposal as having reviewed the applicant's Transport Appraisal they are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes. Proposed condition for a green travel plan to be produced and submitted for approval and informative to be included

### **Environmental Health Officer (EH)**

- 83 Comfortable with the details proposed, recommending suspensive condition in relation to managing noise, odours through ventilation details and attributable light and air pollution.

### **Biodiversity Officer**

- 84 Considered the inclusion of the ecological survey of the site to be satisfactory, identifying the presence of key biodiversity features. The biodiversity officer clarified that recommendations contained within the report should be included in any approval.

### **Developer Contributions Officer**

- 85 No developer contributions are sought or applicable towards this education development.



## **Structures and Flooding Team (SFT)**

- 86 Conditions were recommended to establish detailed drainage calculations were submitted to the Planning Authority for SFT information, approval and adherence thereafter, prior to the commencement of development and in association, a condition to ensure appropriate SUDS measures are in place in tandem with all construction operations.

## **Community Waste Advisor**

- 87 Set out requirements for recycling facilities anticipated in this regard, achieved through a proposed condition and informative.

## **REPRESENTATIONS**

- 88 One letter of representation has been received, principally providing points of comment and personal clarification about specific matters identified within the proposal including:
- Lack of detail to show how the development will be linked to the wider road and footway network. Connection is an important issue, because the applicant needs to demonstrate that safe routes will be available for children, their parents and staff travelling to and from the school on foot, by bicycle and for all abilities.
  - CTRLR not shown on drawings submitted.
  - Trees adjacent to the site have not been shown on the drawings submitted with the application.
  - No detail in place as to how the development will connect to the public drainage network.
  - Discrepancies and best practice measures in the ecology survey.
- 89 The material planning concerns raised are addressed in the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

90

|                                                |                                                                             |
|------------------------------------------------|-----------------------------------------------------------------------------|
| Environment Statement                          | Covered under the EIA in association with planning application 15/01112/IPM |
| Screening Opinion                              | 15/01079/SCRN                                                               |
| Environmental Impact Assessment                | Not required                                                                |
| Appropriate Assessment                         | Not required                                                                |
| Design Statement / Design and Access Statement | Submitted                                                                   |
| Report on Impact or Potential Impact           | Submitted                                                                   |

## **APPRAISAL**

### **Policy Appraisal**

- 91 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

### **Principle**

- 92 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 93 TAYplan Policy 4 (Strategic Development Areas) is of particular importance as well as the site specific requirements contained in the LDP. The other relevant policy considerations are outlined in the policy summary section above and are considered in more detail below.
- 94 The site sits within LDP development site allocation H7, and also now under the auspices of in principle planning consent 15/01112/IPM. Associated with the LDP developer requirements, was the appropriate site provision for educational facilities, including a secondary school in phase, with this planning application looking to secure this requirement in detail. Other relevant policy considerations are identified within the policy section above.
- 95 For reasons outlined here and below, the principle of the proposed development is considered to be consistent with the salient LDP policy areas and that of the legal agreement associated with in principle planning consent 15/01112/IPM.

### **Design, Layout and Visual Amenity**

- 96 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.

- 97 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 98 In respect of policy PM1A and PM1B, the proposed school development is considered to respond well to the approved masterplan associated with planning consent 15/01112/IPM. The striking contemporary design, palette of high quality finishing materials and overall form, scale and relationship both in terms of the building elements and identified hard and soft landscaping concepts are considered to have the potential to make a positive contribution to the surrounding area and provide a good focal point for the forthcoming community centre of Berthapark settlement. The proposed formal play areas to the rear (south) of the principal building is considered logical with good permeability defined alongside.
- 99 The proposed parking area to the west is set back and set down from the main road (high street) to avoid dominating the high street scene from the roundabout approach. There is considered to remain potential for additional structural planting to be investigated and delivered at this stage, further softening its impact and guiding the eye to the principal elevations of the new school building and being relatively well established in advance of the associated residential phasing and buildings surrounding the school grounds to become occupied. This element is recommended to be pursued further by condition 12.
- 100 As acknowledged in the background papers, the school building and the associated phasing has a particular challenge in responding on two levels to the surrounding landscape character, initially fitting into the landscape of an existing rural backdrop and then progressively, becoming successfully integrated as part of a central hub of a new urban settlement. The principal building and its associated elevated position above the River Almond will undoubtedly be striking initially, but this will be absorbed long term by surrounding development, structural landscaping, the existing southern landscape boundaries and the large building landscape of the existing Inveralmond Industrial estate.
- 101 Overall, the design, layout and visual amenity impacts of the proposals are considered appropriate in this context and consistent with associated LDP policy criteria of PM1 A and B.

### **Landscaping, Trees and Open Space**

- 102 The existing site is characterised by agricultural fields, with a solid farm access track along the northern boundary and field boundaries in post and wire and hawthorn hedging with natural established riparian planting further south beyond the boundaries of the site.

- 103 The landscaping proposals are considered broadly appropriate. Notwithstanding, as previously mentioned, there are considered to be opportunities for additional early structural planting enhancement possibilities to be pursued through this application, particularly in and around key open areas along boundary edges. It is considered appropriate to therefore look to condition a more extensive landscaping plan to be forthcoming, including landscape proposals in the wider site area within the applicants' control. Associated with this, it is recommended that plant specification is clarified to understand site appropriate species are being sourced. The proposals are considered appropriate and capable of fulfilling LDP policy NE4.

### **Roads and Access**

- 104 A Transport Statement (TS) was submitted on 8 March 2017. The TS was considered to provide a good assessment of the various transport related issues. In summary, the site will be accessed from one of the new principal streets that will be constructed as part of the wider Berthapark site. The layout and connection to the CTRL have all been previously approved, with a proposed wide range of vehicular and sustainable transport links available. In addition, the traffic impact of the school has previously been assessed as part of these applications with no adverse issues identified.
- 105 The proposals include a separation of the school bus park from the principal car parking area with separate vehicular accesses. A swept path analysis demonstrates that the proposed bus park area will be suitable for all buses. Based on the projected school role and likely catchment area, the provision to accommodate 15 buses has been agreed by Transport Planning as appropriate for this development.
- 106 The site is also considered to include adequate car parking facilities and cycle park provision, which is encouraged. Notwithstanding, it is considered appropriate to request through suspensive condition, an obligation for the applicant to comprehensively explore and where feasible, put in place additional sustainable travel arrangements through the undertaking of a Green Travel Plan (GTP) for the site.
- 107 While the impacts of the final development have been assessed, there will be some temporary impacts from the construction traffic and to ensure these effects are managed and where appropriate mitigated, a Construction Traffic Management Plan (CTMP) is also recommended to be secured via a condition.
- 108 In summary, providing suspensive conditions are secured, the proposed details submitted are consistent and sufficient with that required by LDP Policies TA1A and TA1B to support the development.

## **Residential Amenity**

- 109 In terms of impact on existing residential amenity, there is not considered to be any adverse impact anticipated on existing farm residences to the east. The school will be developed and operational prior to any of the surrounding proposed residential development, albeit consideration has been given to the final situation of the proposed houses as identified in the approved masterplan.

## **Noise**

- 110 Noise arising from the synthetic sports pitch and multi-use games area (MUGA) has been assessed. The community use of these facilities is encouraged in promoting active, healthy lifestyles and general social interaction, but this has to also be managed appropriately in association with maintaining suitable amenity to neighbouring properties.
- 111 There is limited guidance on suggested tolerable noise levels from these types of facilities, and what there is tends to point to an  $L_{Aeq\ 1hour}$  of 50dB. The calculated levels were said to be 48dBA based upon a conservative source level of 61dBA at 10 metres, with the closest residential properties 50 metres away. Taking account of this, there are no objections on grounds of noise. Even at the levels anticipated, associated noise could however potentially be considered a Statutory Nuisance, particularly through any audible foul language and general antisocial behaviour. In light of this, it has been recommended as best practice to seek via condition, for a noise management plan to be drawn up for approval and thereafter adhered to and reviewed as appropriate in relation to the wider community use of this facility.
- 112 There are also general operational noises associated with this type of development such as plant noise, but EH are comfortable that this can be adequately controlled by condition. In summary, there is not judged to be any adverse impact, which cannot either be managed via condition or detailed through the reserved matters applications of the associated residential phasing in and around the secondary school facility hereby proposed. The proposals are considered to comply with LDP policy EP8.

## **Air Quality**

- 113 The development proposals include provision for a biomass boiler to meet the heating needs of the school. Perth and Kinross Council have an obligation to review and assess all biomass boilers within its area over 50kW under the Environment Act 1995. Given that the proposed boiler is 995kW, it required to be assessed to check compliance with air quality objectives.
- 114 An air quality assessment was submitted, comparing predicted impacts from emissions arising from the boiler stack at nearby receptors to both Scottish and EU air quality objectives. This was then assessed in line with Environmental Protection UK (2015) Land-Use Planning & Development Control: Planning For Air Quality guidance to obtain a significance of effects



- 115 For nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>) annual mean objectives, the significance ranges from moderate to negligible depending on the height of the stack. The minimum stack height, which gives a negligible effect for both pollutants was identified at 13.5 metres. As the proposed stack height is currently 14 metres, the minimum height requirement is being met to ensure negligible effects and can be appropriately developed out in accordance with the plans. A standard condition was recommended with regards to the ongoing maintenance of the boiler. Overall, the proposals are considered to comply with LDP Policy EP11.

### **Contaminated Land**

- 116 A site investigation has been completed and submitted in support of the application identified no potential contamination issues within the proposed development site. Based on this information, EH were comfortable for no further contamination works to be necessary.

### **Archaeology**

- 117 Perth and Kinross Heritage Trust (PKHT) clarified there will be no impact on this site having been previously reviewed for archaeology in relation to planning in principle application 15/01112/IPM. No further archaeological works are therefore required within the area covered by this application (17/00198/AMM).

### **Natural Heritage & Biodiversity**

- 118 The Council's Biodiversity officer has confirmed that the habitat and ecological survey undertaken is satisfactory, appropriately identifying the presence of key biodiversity features. The report identifies opportunities to enhance the site including planting, SUDS, lighting and the incorporation of features in the buildings. It is considered appropriate to ensure that these recommendations are secured through condition of any consent. On this basis, the proposals are considered to comply with LDP policy NE3.

### **Climate Change, Carbon Reduction and Sustainable Construction**

- 119 In terms of the building itself and the associated energy centre, best practice elements are being introduced to ensure that sustainable design and construction is built into the development. The proposals for this school are considered to comfortably satisfy the terms of policy LDP EP1 in this regard. The wider site has been investigated for District Heating, in line with LDP site requirements. Due to both the timing and funding implications, the school has had to propose its own energy centre, with district heating not being taken forward at this stage. In line with SEPA recommendations, it has been considered appropriate to ensure the site is future proofed in relation to the wider development area for potential district heating infrastructure. The applicants' agents have confirmed that futureproofing has been built in as an integral feature of the design and build programme for the school and the associated energy centre.

### **Flooding Risk and Drainage Strategy**

- 120 A drainage design has been submitted and the principles have been considered appropriate. It was however acknowledged that there were no calculations provided to support the design. In order to fully comply with LDP Policy EP3, it was therefore requested by SFT to condition for these calculations to be submitted for review, ensuring the drainage design can cope under high flow conditions.

### **Developer Contributions**

- 121 No contributions are applicable to the proposed development.

### **Pre-Application Public Consultation**

- 122 Pre-application public consultation was undertaken in accordance with the approved PAN submitted by the applicant and is considered to meet Scottish Government requirements for major planning applications.

### **Economic Impact**

- 123 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the City. In the long term, the development of this purpose built 21<sup>st</sup> century secondary school will provide an excellent learning environment and platform for future scholars and a social hub for the community. In summary, short and long term economic impact will be beneficial for the local and wider area.

### **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 124 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the proposal is compliant with the Development Plan, no Scottish Minister notification is required in this instance.

### **LEGAL AGREEMENTS**

- 125 No legal agreement is required for this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

- 126 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in, or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 127 The proposal is considered to accord with National Guidance and Development Plan policy in relation to necessary supporting infrastructure and facility provision associated with strategic development sites which is considered appropriate in its situation, design, scale, material finish, sustainability credentials and landscape framework potential. The development can also now be satisfactorily accessed through the associated committed road infrastructure improvements of the A9/A85 transport interchange. Overall, I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

*Reason - To ensure that the development is carried out in accordance with the plans approved.*

- 2 No part of the development shall be occupied until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

*Reason – In the interests of promoting and securing sustainable means of travel relating to the operation and use of the development.*

- 3 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes, in particular Inveralmond Roundabout during peak traffic volumes (08.00-09.30, 16.00-17.30) and the associated 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 major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) monitoring, reporting and implementation arrangements; and
- n) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

*Reason – To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.*

- 4 Prior to the use of any identified external play and sports facilities, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Planning Authority, in consultation with the Council Environmental Health Team. The approved NMP shall identify all appropriate measures to be adopted, the system of management, monitoring, review, reporting and the appropriate timescales for any plan review. The approved plan shall thereafter be adhered to and reviewed periodically as agreed in consultation with the Council Environmental Health Team.

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

- 5 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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason - In order to safeguard the residential amenity of the area.*

- 6 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

*Reason — In order to safeguard the amenity of the surrounding area.*

- 7 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

*Reason — In order to safeguard the residential amenity of the area.*

- 8 The hours of operation of any external floodlighting shall be restricted to between 0800 and 2200 hours

*Reason — In order to safeguard the residential amenity of the area.*

- 9 The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The boiler and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a record shall be retained of these activities which shall be presented to the Council on request. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

*Reason – In order to ensure that the boiler is adequately maintained and operating efficiently and in order to protect neighbouring amenity.*

- 10 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

*Reason – In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).*



- 11 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

*Reason – In order to prevent animals from being trapped within any open excavations.*

- 12 Prior to the commencement of development, a detailed planting scheme shall be submitted for the further written agreement of the Council as Planning Authority. This shall include planting numbers and full specifications. Appropriate structural landscape buffer planting shall also be investigated around the edges of the site; at key, pre-agreed locations. The scheme as subsequently approved 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 and to ensure the satisfactory implementation of the proposed planting scheme and to maximise ecology opportunities.*

- 13 Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the further written agreement by the Council as Planning Authority, in consultation with the Council Community Waste Team. The approved details shall be implemented prior to the completion or bringing into use of the development.

*Reason – In the interest of protecting residential amenity and to ensure adequate servicing facilities are provided.*

- 14 In association with condition 16, a screened recycling point comprising containers for colour separated glass, paper/card, household metal packaging, textiles and small waste electricals shall be installed within the school grounds, to the west of the parking area, at an exact location and scale to be agreed in consultation with the Council Community Waste Team. The details as approved shall be delivered on site prior to the occupation of any neighbouring residential units.

*Reason – In order to ensure adequate community servicing facilities are provided.*

- 15 In association with condition 16, the required recycling containers for glass should either be 'bells' or underground storage design, to be specified and agreed in consultation with the Council Community Waste Team. The detail as approved shall be implemented prior to the occupation of any neighbouring residential units.

*Reason – In order to ensure adequate servicing facilities are provided.*

- 16 Prior to the commencement of development, detailed drainage calculations associated with the proposed drainage design shall be submitted for the further written approval of the Planning Authority, in consultation with the Council Structures and Flood Risk Team.

*Reason – In order to ensure the drainage design is satisfactory to cope with high flow conditions.*

- 17 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with SUDS principles shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

*Reason – To ensure no adverse flood risk during the construction phase of the development.*

- 18 Prior to the commencement of the development, details of the specification and colour of the proposed external finishing materials, including full details of the proposed retaining walls shall be submitted to and agreed in writing by 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 earlier.

*Reason - In the interest of visual amenity and to ensure a satisfactory standard of local environmental quality.*

- 19 The applicant is advised to consider and design in future proofing measures for the development to be capable of connecting to a wider heat network as part of the development of the wider Berthapark site. This includes; appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

*Reason - In the interests of sustainability, to ensure the potential for district heating opportunities are futureproofed.*

## **B JUSTIFICATION**

The proposals are considered to accord with the Development Plan with significant education and long term community benefits to the residents of Berthapark, with no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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)).
- 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 2008. 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 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 7 The applicant 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.
- 8 The applicant is recommended to contact with the Council Community Waste Team at the earliest opportunity and ultimately prior to commencement of development to ensure that all associated requirements are understood and can be met for the servicing of bins and the recycling point.

- 9 The applicant is recommended to review and follow the best practice guidance within the RSPB consultation memo dated 1<sup>st</sup> March 2017 in relation to biomass as a fuel source.

Background Papers: One letter of representation  
Contact Officer: Callum Petrie  
Date: 05 May 2017

**Nick Brian**  
**Interim Head of Planning**

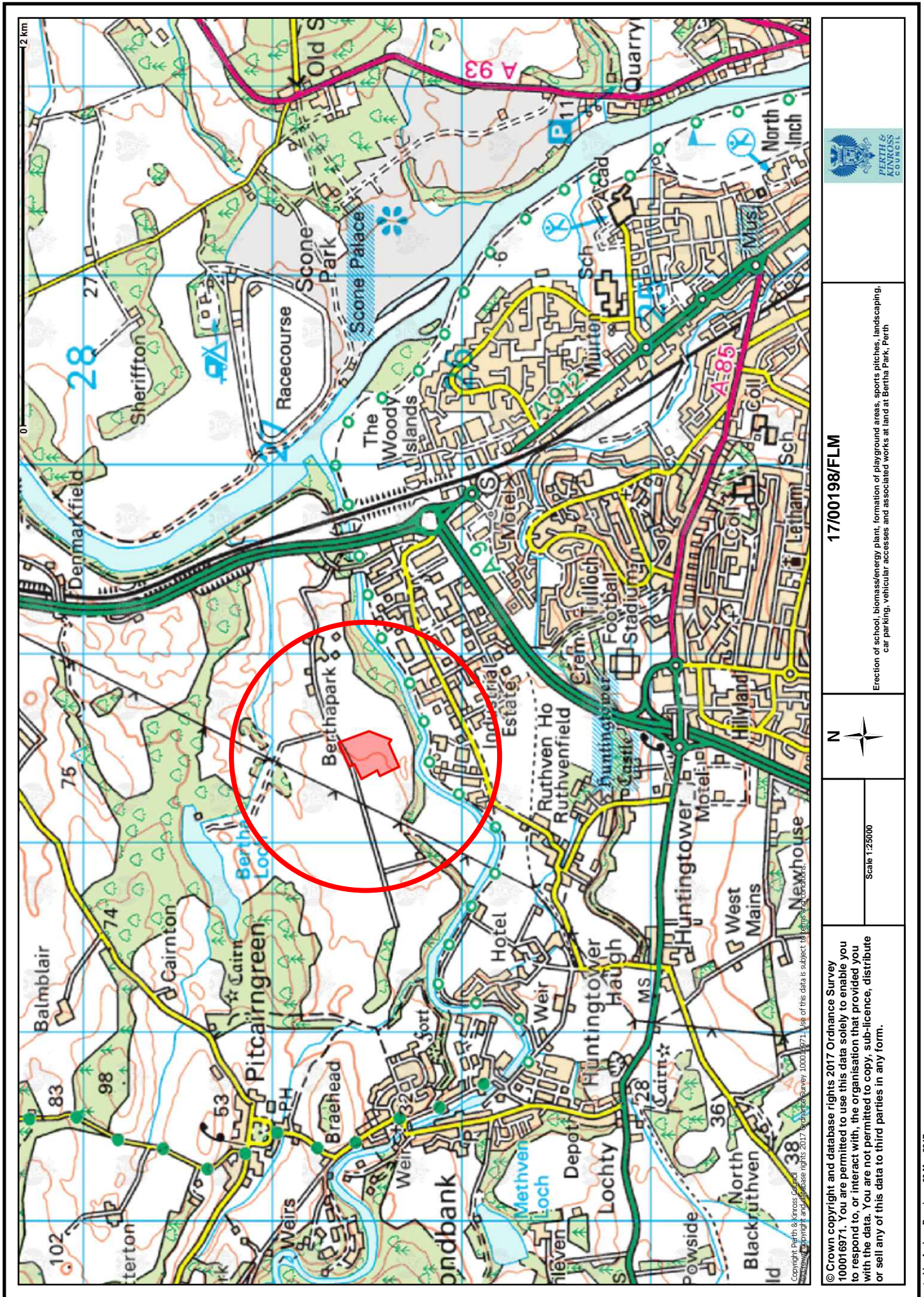
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17/00198/FLM

Erection of school, biomass-energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works at land at Bertha Park, Perth

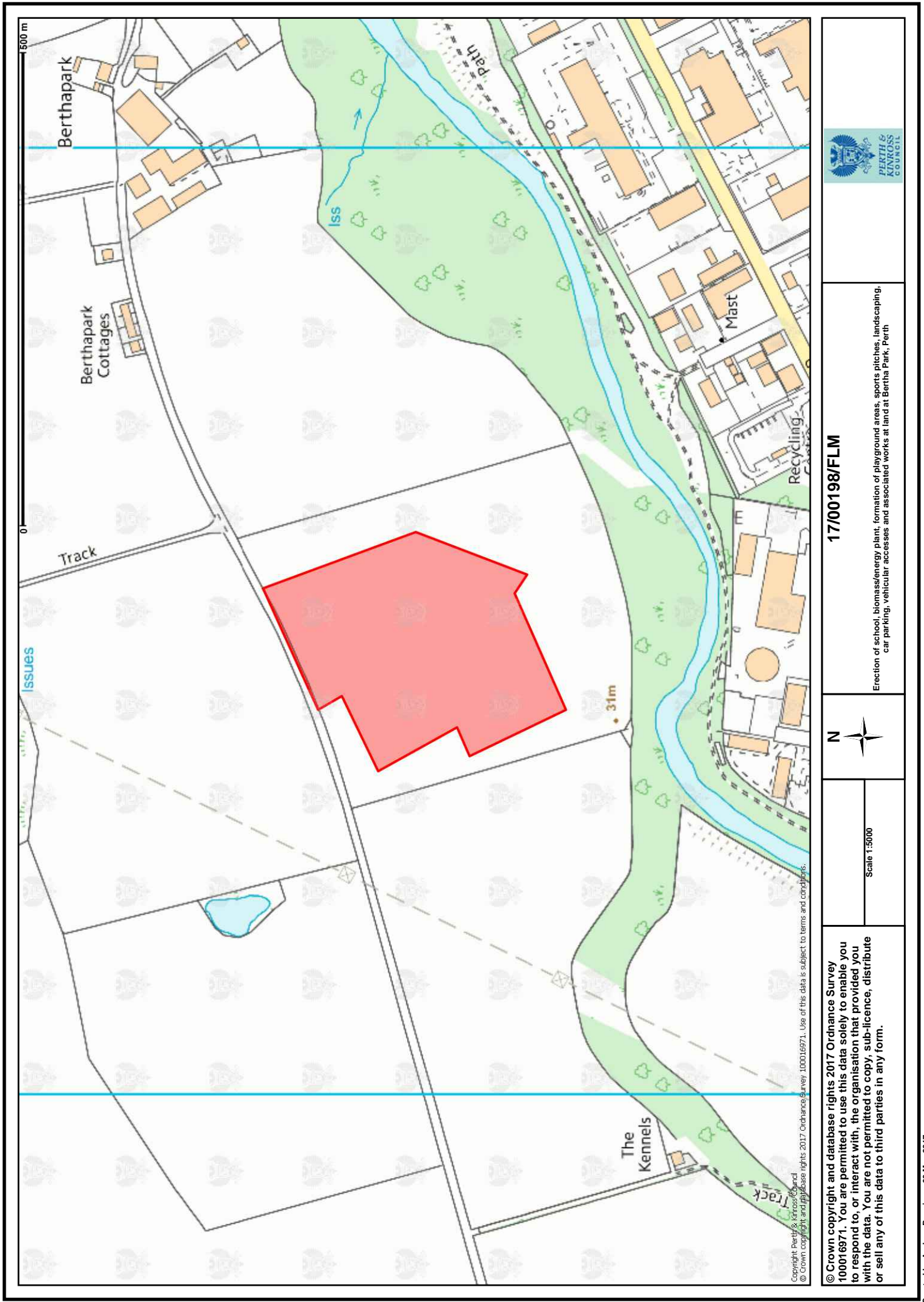


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Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Report of Handling by Interim Head of Planning

Erection of a dwellinghouse and relocation of public footpath, site west of 63  
Needless Road, Perth

Ref. No: 17/00395/FLL

Ward No: N10 - Perth City South

### **Summary**

This report recommends approval of the application for the erection of a dwellinghouse and relocation of public footpath on a site west of 63 Needless Road, Perth as the development is considered to comply with the Development Plan.

## **BACKGROUND AND DESCRIPTION**

- 1 This application site is located between Needless Road and Cavendish Avenue in Perth. The southern part of the site predominantly consists of single storey lock up garages and an area of hardstanding. To the north of the garages there is an electrical substation. Vehicular access to the garages is taken from Cavendish Avenue; this vehicular access currently has grass verges to either side. There is no vehicular access from Needless Road but there is a pedestrian access point. There are residential dwellings to the east and west of the site.
- 2 The proposal is for the demolition of the garages to facilitate the erection of a two storey detached dwellinghouse on the southern half of the site, and to accommodate this, the existing pedestrian access would be re-routed between the proposed property and no.63 Needless road. The existing site topography requires to be altered to accommodate the new 2.0m path. Vehicular access to the site would still be from Cavendish Avenue and this would be widened and upgraded. The grassed area to the west of the access falls outside the application site. Proposed parking is located between the rear garden of the proposed plot and the existing substation on the site.

## **NATIONAL POLICY AND GUIDANCE**

- 3 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

- 4 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.



## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 5 Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

## **Perth and Kinross Local Development Plan 2014**

- 6 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 7 The principal relevant policies are, in summary:

### **Policy PM1A - Placemaking**

- 8 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM1B - Placemaking**

- 9 All proposals should meet all eight of the placemaking criteria.

### **Policy PM3 - Infrastructure Contributions**

- 10 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD1 - Residential Areas**

- 11 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

## **Policy TA1B - Transport Standards and Accessibility Requirements**

- 12 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

## **Policy CF2 - Public Access**

- 13 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

## **OTHER POLICIES**

### **Development Contributions**

- 14 Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## **SITE HISTORY**

- 15 15/01716/FLL Erection of 3 dwellinghouses 19 November 2015 Application Withdrawn.
- 16 16/01261/FLL Erection of 2 dwellinghouses 23 January 2017 Application Refused under delegated powers.

## **CONSULTATIONS**

### **EXTERNAL**

- 17 None.

### **INTERNAL**

- 18 **Community Greenspace** – The public footpath is known to be a valued route in the community. Although it is not identified as a right of way in their register, it is likely to be used as a right of way by local people and would certainly meet the criteria. Community Greenspace are satisfied with the public path provision as shown within this application.
- 19 **Developer Contributions Officer** – Education and Transport Infrastructure contributions required.

- 20 **Transport Planning** – No objection subject to conditional control relating to the footpath specification through the site and the erection of a pedestrian barrier on needless road.

## **REPRESENTATIONS**

- 21 A total of twenty five letters of objection were received during the advertisement period for the application.
- 22 The objections have raised the following relevant issues: -
- Loss of car parking/garage facility, impact on road, road safety, traffic congestion.
  - Pedestrian/cycle access is too narrow it will be restricted and conflict with vehicles.
  - The development is not proposing safe cycling and walking in accordance with PKC policy.
  - The path will be closed during construction.
  - A detailed specification of the realigned path is required.
  - Rear parking courtyard may cause antisocial behaviour.
  - Concern with design of proposed houses and layout of site, inappropriate housing density, impact on areas character, inappropriate land use.
  - Existing greenspace/openspace will be lost.
  - Cars going to rear parking area would result in loss of amenity to neighbours.
  - Loss of light and privacy to dwellings.
  - Contrary to the development plan.
  - Light pollution.
  - It will not make a useful contribution to housing supply.
- 23 The above matters are addressed in the Appraisal section of this report. However the following elements also raised in the objections are best addressed at this stage under the following headings:-
- Disruption associated with construction activity on the site - I note the concern regarding construction noise in the representations received however this will likely be a short term change to the status quo and I do not consider that conditional control is required in this case. If issues did arise I consider this could be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990
  - Health and safety concern with works on site, (including presence of asbestos) – the granting of planning permission does not alter other legislative procedures which will regulate on site works and how they are carried out.

- Vehicular access to existing garages (separate ownership) will be restricted – this is not a planning matter as any legal rights of access over the site to garages is a private/civil matter.
- Concerns with house numbering – this is not relevant to this planning application; the numbering of houses will be undertaken by the Council's Street Naming and Numbering Officer separately.
- Impact on service media within the site – this is not a planning matter. The relocation and /or diversion of service media within the site would be an issue to be resolved between the developer and the utility companies.

## **ADDITIONAL STATEMENTS**

24

|                                                |               |
|------------------------------------------------|---------------|
| Environment Statement                          | Not required  |
| Screening Opinion                              | Not required  |
| Environmental Impact Assessment                | Not required  |
| Appropriate Assessment                         | Not required  |
| Design Statement / Design and Access Statement | Not submitted |
| Reports on Impact or Potential Impact          | Not submitted |

## **APPRAISAL**

### **Policy Appraisal**

- 25 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the 2006 Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.
- 26 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### **Principle**

- 27 The site is located within the Perth settlement boundary where Policy RD1 of the LDP applies. This recognises that residential development within existing settlements can often make a useful contribution to the supply of housing land, but acknowledges the potential conflicts new development can have within the existing built environment. Proposals will be encouraged where they satisfy the criteria set out in the policy in particular criteria a) Infill residential development at a density which represents the most efficient use of the site

while respecting its environs and c) proposals which will improve the character and environment of the area.

- 28 Policies PM1A and PM1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.
- 29 Policy CF2 - Public Access is also applicable. This confirms that developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.
- 30 For reasons set out elsewhere in this report it is considered that this proposal complies with Policies RD1, PM1A, PM1B and CF2 of the LDP.

## **Design and Layout**

### **Movement**

- 31 The importance of movement within the environment is discussed in the Scottish Government's document on Designing Streets: A Policy Statement for Scotland. This notes that: - Providing for movement along a street is vital, but it should not be considered independently of the street's other functions. The need to cater for motor vehicles is well understood by designers, but the passage of people on foot and cycle has often been neglected. Walking and cycling are important modes of travel, offering a more sustainable alternative to the car, making a positive contribution to the overall character of a place, public health, social interaction and to tackling climate change through reductions in carbon emissions.
- 32 From reviewing the letters of objection it is clear that residents from the surrounding area do utilise this site as a connection between Needless Road and Cavendish Avenue. The proposed layout accommodates access by providing a 2.0m wide path in the southern section of the site, opening out to the proposed car parking area then a 3.0m wide shared access northwards onto Cavendish Avenue. The retention of the path link in this application is an improvement compared to the earlier application 15/01716/FLL that lost this connectivity and application 16/01261/FLL where vehicular and pedestrian conflicts arose at the northern end of the site due the proposed second unit.
- 33 It should be noted that this form of path provision is also endorsed by Community Greenspace. Transport Planning also have no objection as the potential conflict between pedestrians and vehicular movements to the rear parking area is removed by the deletion of the second residential unit. However, they do advise that conditional control is required to ensure a pedestrian barrier is provided on Needless Road as well as ensuring the gradient of the new footpath does not exceed a set gradient. Taking this into account I consider that the formation of the new thoroughfare has the



potential to cater for an increase in user types as the current bollard arrangement and topography of the site currently restricts access for some users.

- 34 The design of the boundary and landscaping will be of particular importance on how this space will work and conditional control can be applied to ensure there is appropriate boundary treatment and landscaping is installed.
- 35 I note there are concerns that anti-social behaviour could occur within the rear car parking area. I am not convinced that this would necessarily occur as there would be visibility and supervision from Cavendish Avenue. A curve is also incorporated into the boundary of the proposed plot curtilage increasing visibility when footpath users enter this space from the south.
- 36 I note that representations have raised concern regarding the closure of the path to facilitate construction works. Clearly there is a balance to be struck between public access as well as health and safety. I am in no doubt that the path will need to be closed at some point in the construction phase to facilitate the development. However, depending on construction phasing the length of time it is closed can be minimised. Conditional control can secure a management plan for the site including timescales for the construction of and opening of the footpath as well as information on any temporary footpath diversion required with signage to assist.
- 37 Overall, I consider that the alternative routing included in this application is a suitable alternative form of provision that complies with the requirements of Policy CF2.

#### Design and density

- 38 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, it is important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 39 There is a steady rhythm of housing along Needless Road. I consider the infill of the proposed southern house, although not semi-detached like the existing properties does generally compliment this rhythm. It also respects the existing street building lines. I note that concerns have been expressed in letters of representation regarding the house design but I am of the view that the dwelling will not conflict with the streetscape. Conditional control can secure a detailed specification of materials.

- 40 The proposal is required to take account of the character and density of the area. In this case the southern house plot has been increased in size with the parking area being located next to the substation. This generally correlates with neighbouring plot lengths.
- 41 Overall I consider the proposal does not conflict with the placemaking policies PM1A/ PM1B of the local plan and RD1: Residential Areas.

### **Landscape**

- 42 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the formation of a residential development on this site, within the settlement boundary, is not considered to erode the quality of this urban area. Representations have raised concerns with the loss of open space. In this case the grassed area to the north is outwith the application site.
- 43 While there is a small greenspace to the front of the site on Needless Road this will be incorporated into the proposed curtilage of the dwelling and a condition can ensure landscaping proposal for the site come forward. I do not consider that the loss of the hardstanding area in front of the existing garages would conflict with Policy CF1. As already noted under the Design and Layout assessment, conditions will secure a scheme of landscaping as well as boundary treatment.

### **Residential Amenity**

- 44 Letters of representation highlight concern that there will be an unacceptable loss of residential amenity to surrounding residential dwelling. It is worthwhile noting that the existing site, garage lock ups, already has vehicle movements along the side boundaries of neighbouring properties. Taking these site circumstances into account and the potential reduction in vehicles associated with the existing 12 garage lockups, I do not consider vehicle movements to the house will be detrimental to neighbouring dwellings.

### **Impacts on adjoining properties**

- 45 The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

- 46 I note there are privacy and overlooking concerns expressed in the letters of representation. From my review of the submitted plans and site inspection I do not consider that there will be any overlooking from the proposed property at Needless Road end of the site subject to the provision of obscure glazing being incorporated into the toilet and stairwell window on the east elevation. Whilst the realignment of the footpath will bring this closer to number 63 Needless Road I do not consider this will result in an adverse impact on amenity given the re-contouring of the site in this area and the conditional control to secure landscaping.

#### Overshadowing

- 47 Although overshadowing is not a matter specifically referred to in ministerial guidance, the protection of neighbouring developments from unreasonable loss of light is a well-established proper planning consideration. Having had the opportunity to assess the plans an element of overshadowing will likely occur to the neighbouring properties garden ground. This will occur in the morning to the properties to the west and in the evening to the properties in the east. The extent of overshadowing to the neighbouring garden is not excessive.

#### Private Amenity Space

- 48 The extent in which private amenity space is used relates specifically to the occupants of the dwelling. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new inhabitant. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. Approximately 200sqm of private rear amenity space is proposed for the proposed dwelling. In this case I consider an adequate level of private (rear) amenity space is provided to perform the minimum expected of a garden ground taking account of the proposed dwelling type.

#### **Roads and Access**

- 49 Policy TA1B is concerned with providing safe access and appropriate car parking. Representations have raised concerns with the loss of parking as well as the potential impact the development will have on road safety and traffic congestion. Transport Planning has been consulted and they offer no objection. Their comments on the new footpath specification and pedestrian barrier have already been considered under the design and layout section of this report.
- 50 I am satisfied that two car parking spaces can be formed within the site for the proposed dwelling. I also note that the existing vehicular access into the site is also increased in width.

- 51 Consultation from Street Lighting has confirmed that there is no requirement for street lighting associated with this proposal. However, the applicant has confirmed that it is not his intention to remove the existing street lighting infrastructure that is already within the site. There is no conflict with Policy TA1B.

### **Drainage and Flooding**

- 52 The applicant has confirmed that the foul drainage will be connected to the public sewer and a condition can be imposed to ensure this connection is achieved. A developer would need to secure a connection from Scottish Water and if there is a capacity problem this is a matter between the developer and network operator to resolve prior to development proceeding on the site.
- 53 The site is not in an area subject to river flooding. Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled by condition.

### **Developer Contributions**

#### Primary Education

- 54 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity. This proposal is within the catchment of Craigie Primary School, where there is a capacity constraint. A contribution of £6,460 is therefore required.

#### Transport Infrastructure

- 55 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth, Transport Infrastructure. A contribution of £3,549 is required.
- 56 The applicant has intimated that they would look to pay all the contributions upfront rather than enter a legal agreement.

## **Pollution**

- 57 I do not consider that light pollution from the dwelling would be particularly adverse and as noted above the applicant intends to retain the existing street lighting.
- 58 I do not consider this proposal will have an adverse impact on air quality within the immediate vicinity of the site. The transport infrastructure contribution which is associated with road infrastructure projects looks to contribute to alleviating air quality issues within the AQMA. Accordingly I do not consider there is a conflict with air quality if the Transport Infrastructure Contribution is secured.

## **Economic Impact**

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

## **LEGAL AGREEMENTS**

- 60 None required if contributions paid upfront to release consent.

## **DIRECTION BY SCOTTISH MINISTERS**

- 61 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 62 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the relevant provisions of the adopted plan. There are no material considerations that would justify departing from the LDP. On that basis the application is recommend for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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



- 2 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the occupation or bringing into use of the development, whichever is the earlier.

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

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the development hereby approved being completed or brought into use, the new vehicular access arrangement shown on the approved drawings shall be implemented and thereafter retained.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

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

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

- 6 Prior to the development hereby approved being completed or brought into use, the gradient of the new footpath to the east of the site shall be formed and not exceed 10% for the entire length of the footpath.

Reason - To ensure the provision of an adequate gradient of access to the footpath.

- 7 Prior to the commencement of development details and the precise location of the pedestrian barrier to be installed next to the junction of the new footpath and Needless Road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the pedestrian barriers shall be installed in accordance with the approved details and prior to the occupation of the dwelling house.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 8 Prior to the commencement of the development hereby approved, a management plan indicating any temporary footpath diversions and signage needed to facilitate the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - To set out and manage access arrangements around the site in the interests of public safety.

- 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 EP3B of the Local Development Plan 2014.

- 10 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.

- 11 The windows in the east elevation of the development hereby permitted shall be glazed in obscure glass and thereafter obscure glass shall be retained at all times.

Reason - To prevent overlooking and protect the amenity of adjoining residents in accordance with policy RD1 of the Local Development Plan 2014.

## **B Justification**

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

## **C Procedural Notes**

- 1 No consent shall be issued until the payment of a commuted sum towards education provision of £6460 and £3549 towards Roads Infrastructure (Total £10 009) has been secured through either an upfront payment or a Section 75 Legal Agreement has been agreed between the applicant and the Council.
- 2 Consistent with procedural note 1, the formal planning consent shall not be issued until such time as the required commuted sum for Developer Contributions has been secured. In the event that the applicant does not a) make the required payment upfront within 14 days of the date of the committee decision or b) complete a legal agreement for its delayed payment within a 4 month period, the application may be refused under delegated powers.

## **D     Informatives**

- 1     This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2     Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3     As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4     No work shall be commenced until an application for building warrant has been submitted and approved.
- 5     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.
- 6     For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
- 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk)
- 8     The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Background Papers:     Twenty-five letters of representation.  
Contact Officer:       John Russell – Ext 75346  
Date:                    5 May 2017

**NICK BRIAN**  
**Interim Head of Planning**

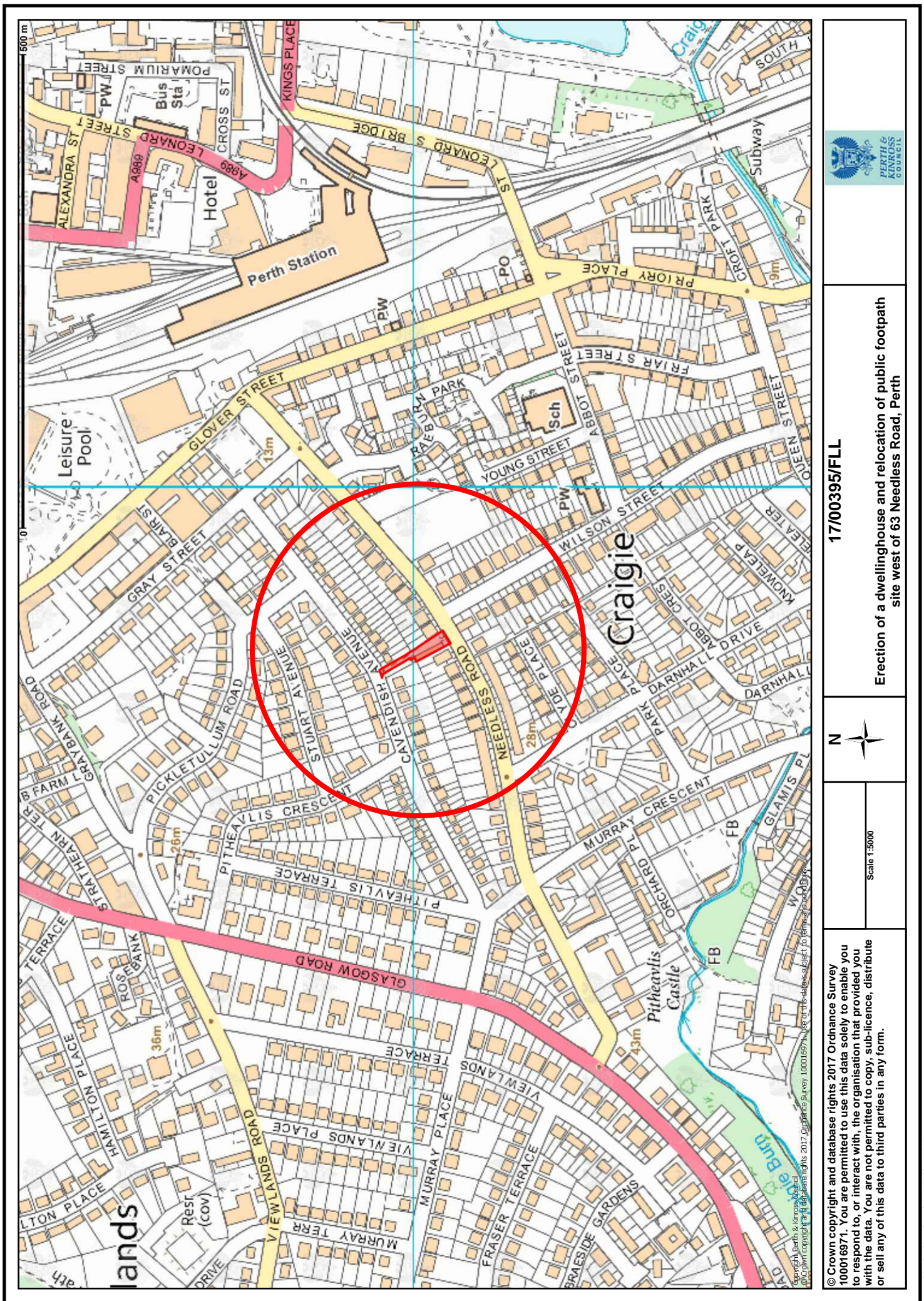
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17/00395/FLL

Erection of a dwellinghouse and relocation of public footpath  
site west of 63 Needles Road, Perth

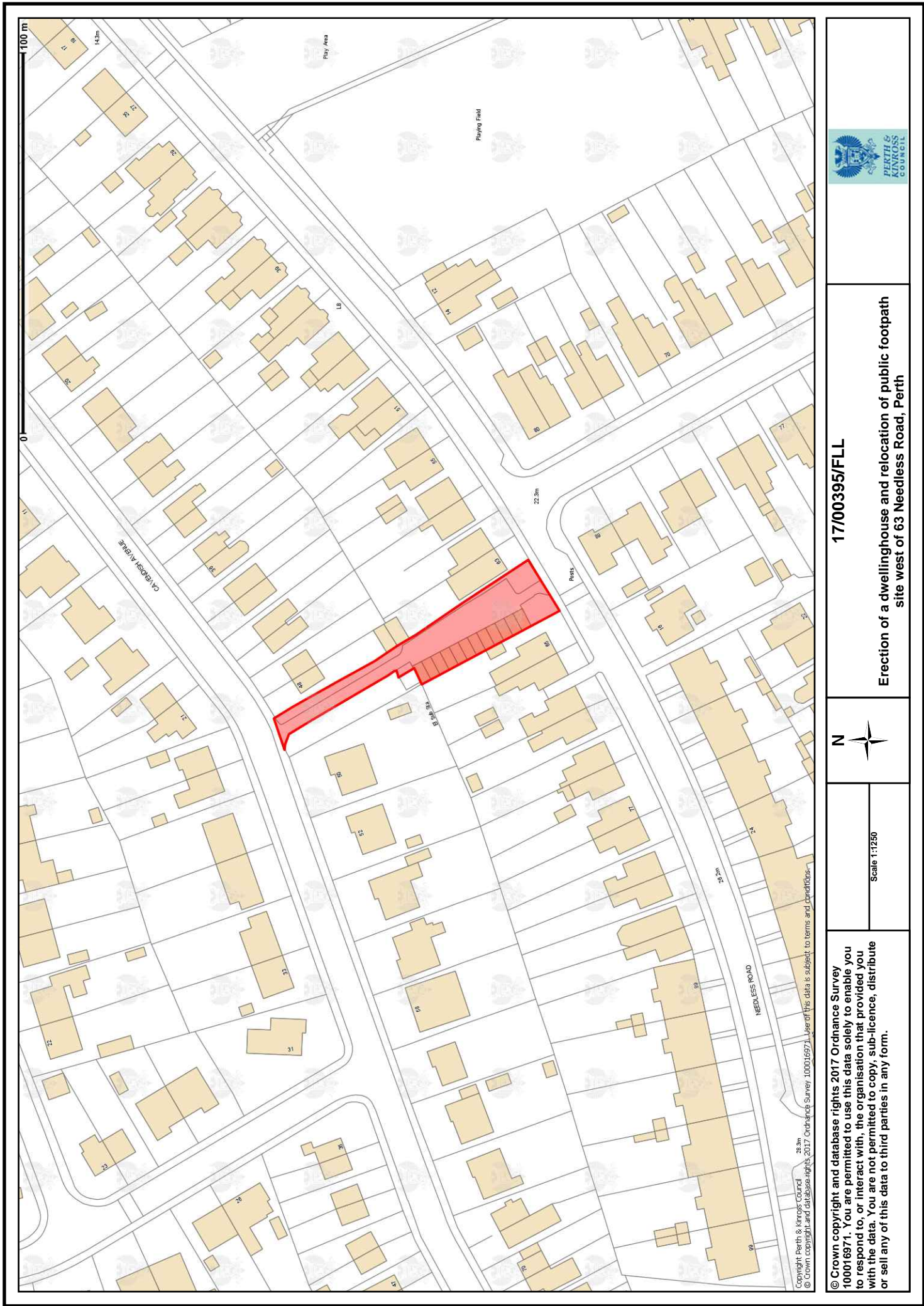


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17/00395/FLL

Erection of a dwellinghouse and relocation of public footpath  
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