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Council Building
2 High Street
Perth
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12 October 2020

A special meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 21 October 2020 at 10:00**.

If you have any queries please contact Committee Services - Committee@pkc.gov.uk.

KAREN REID
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Eric Drysdale
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Callum Purves
Councillor Crawford Reid
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 21 October 2020

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**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE ON 23 SEPTEMBER 2020 FOR APPROVAL** **5 - 14**
(copy herewith)
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 16/02156/AMM ERECTION OF 159 DWELLINGHOUSES WITH ASSOCIATED ROADS, DRAINAGE AND LANDSCAPING AT LAND TO THE NORTH OF A912 AT OUDENARDE, BRIDGE OF EARN, PERTSHIRE** **15 - 104**
Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/193)
- 5(1)(ii) 19/01387/FLM FORMATION OF THE CROSS TAY LINK ROAD (CTLR) AND ASSOCIATED WORKS, A9 OVER THE RIVER TAY TO THE A93 AND A94 NORTH OF SCONE** **105 - 150**
Report by Head of Planning and Development (Recommendation - Approve) (copy herewith 20/194)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 23 September 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, E Drysdale, T Gray, D Illingworth, I James, T McEwen (substituting on behalf of R Watters), C Purves, and W Wilson.

In Attendance: K Smith, A Condliffe, C Brien, M Lee, A Rennie, C Elliott, D Williams, A Brown, L McGuigan and A Taylor (all Corporate and Democratic Services); J Pritchard and L Reid (both Housing and Environment);

Apologies: Councillors C Reid, R Watters and M Williamson.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no Declarations of Interested made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 25 August 2020 was submitted, approved as a correct record and authorised for signature.

4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
19/02121/FLL	5(1)(i)
20/00790/FLL	5(1)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **19/02121/FLL - FEARNAN - Erection of 4 dwellinghouses, land north west of The Croft, Fearnan – Report 20/169 – AKG Homes**

Prior to consideration of the application, A Condcliffe, Team Leader, provided an update to members on the proposed changes to Condition 4.

Ms S Dolan-Betney, objector on behalf of Glenlyon & Loch Tay Community Council and the Fearnan Village Association, followed by Mr R Johnston, agent on behalf of the applicant, addressed the Committee via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. The ancillary accommodation associated with Plot 4 hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse.
Reason: In order to retain control of the use of this building.
3. Prior to the commencement of the development hereby approved, details of the proposed internal and perimeter boundary treatments for the site and garden ground levels (AOD) shall be submitted for the written agreement of the Council as Planning Authority. The schemes as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason: In order to protect residential amenity.
4. Prior to the occupation of any dwelling, all matters regarding vehicular access geometrics and surfacing, car parking, 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.
Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
5. Prior to the commencement of the development hereby approved, visibility splays at both proposed vehicular access points shall be provided to the left and right as per approved plan 19/02121/53, when measured between points 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.
Reason: In order to protect road and pedestrian safety.
6. Prior to the commencement of the development hereby approved, 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 written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme for each plot has been provided in full.

Reason: In order to ensure that acceptable provision for waste / recycling storage is provided.

7. 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 order to comply with the aims of the Scottish Planning Policy.

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

Reason: In order to clarify the terms of this planning permission and to ensure that residential amenity is protected.

9. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies a Construction Exclusion Zone (CEZ) shall be submitted for the written

agreement of the Council as Planning Authority. This plan shall ensure all related fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason: In order to ensure that trees which are to be retained are protected during the construction phase.

10. Prior to the commencement of the development hereby approved, all trees on site and along the boundaries (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: In order to ensure that trees which are to be retained are protected during the construction phase.

11. All trees on site and along the boundaries, other than those marked for felling on the approved plans, shall be retained.

Reason: In order to clarify the terms of this planning permission.

12. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS shall include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stock piles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

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

Reason: In order to ensure that the environmental interests of the River Tay Special Area of Conservation are protected.

13. Prior to the commencement of the development hereby approved, details of the means of surface water disposal across the site shall be submitted for the written agreement

of the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that surface water is managed.

14. Prior to the commencement of the development hereby approved, a statement that demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies shall be submitted for the written agreement of the Council as Planning Authority. In the event that this statement is revised during the Building Warrant process, it shall be resubmitted to the Council as Planning Authority.

Reason: In order to comply with Policy 32 of Perth and Kinross Local Development Plan 2.

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. The stoves shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.
5. The applicant should be aware that Scottish Water are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

(ii) **20/00790/FLL - LOGIEALMOND - Erection of entrance gates, bin store and associated works, Logiealmond Estate, Logiealmond – Report 20/170 – Logiealmond Estate Ltd**

Prior to consideration of the application, C Brien, Team Leader, provided an update to members on the proposed changes to Informative 6.

Mr A Farningham, agent on behalf of the applicant, addressed the Committee via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. The asserted core path must not be obstructed during building works or on completion of the development; unless a diversion order has been obtained and the replacement path has been completed to the satisfaction of the Council as Planning Authority. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.
Reason: To ensure that public access is maintained at all reasonable times, to the local path network.
3. Prior to the commencement of works on site, full details of the construction and surface of the path shall be provided for the further written approval of the Council as Planning Authority. The details as subsequently approved shall be implemented to the satisfaction of the Council prior to its use.
Reason: In order to clarify the terms of the permission; to ensure appropriate surfacing within the local path network.
4. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be modified in accordance with the plans submitted. A minimum of the first 5 metres of the vehicle access from the public road network shall be constructed in accordance with Perth & Kinross Council's Road Development Guide using the Construction Type C from the Construction Details for Access Types C, D and E. For the avoidance of doubt, kerbing must be provided for a minimum of the first 5 metres of the vehicle access from the public road to protect its construction.

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

5. All trees identified for retention on the plans including any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Any approved Tree Protection measures shall not be removed breached or altered without the prior written authorisation from the Council as Planning Authority and shall remain in a functional condition until the development is completed. If the protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease, until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

6. Any existing trees which become diseased, damaged or die, or new hedgerows which fail to become established within five years of this permission shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.
6. The granting of planning permission does not stop the continued right of public access along the existing core path (Core Path METH/130). An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

(2) Proposal of Application Notice (PAN)

(i) 20/00006/PAN - PERTH - Formation of a battery energy storage system comprising siting of container units, installation of a substation, erection of fencing, landscaping and associated works at land south of Newhouse Farm, Perth – Report 20/171 – ILI Group PLC

Councillor Anderson requested that access to the site be considered, with specific reference to access for emergency vehicles be taken into consideration.

Councillor Wilson requested that vehicular access during the construction phase be taken into consideration. Councillor Wilson further requested that Transport Planning, land use with specific reference to the Core Path area, landscape, a habitat survey and noise and light issues be taken into consideration.

Councillor James requested that the security of the site and noise pollution be taken into consideration.

Members noted the issues identified by the Head of Planning and Developments Report.

(ii) 20/00007/PAN - BLAIRGOWRIE - Erection of 109 dwellinghouses, garages and associated works (change of house types and revised designs for plots 1-80 and 88-117

associated with planning permission 17/00961/AMM) at land south west of Maple Place, Blairgowrie – Report 20/172 – Scotia Home and Petrie Family

Councillor Brawn requested that traffic matters be taken into consideration, with specific reference to traffic on Elm Drive. Councillor Brawn also requested that affordable housing contributions be taken into consideration.

Councillor McEwan requested that an on-site playpark area and extension to the Blair Trail be taken into consideration.

Councillor Wilson requested that internal consultations be taken into consideration, with specific reference to Community Greenspace, Structures and Flooding and Transport Planning. Councillor Wilson also requested that the relationship with neighbouring land uses, impact of construction and operational noise and flooding be taken into consideration.

Councillor Barnacle requested that consideration be given to the neighbouring cemetery.

Members noted the issues identified by the Head of Planning and Developments Report.

Perth and Kinross Council
Planning & Development Management Committee – 21 October 2020
Report of Handling by Head of Planning and Development (Report No. 20/193)

PROPOSAL: Erection of 159 dwellinghouses with associated roads, drainage and landscaping

LOCATION: Land to the north of A912 at Oudenarde, Bridge of Earn, Perthshire

Ref. No: [16/02156/AMM](#)

Ward No: P9- Almond and Earn

Summary

This report provides an update on the Approval of Matters Specified by Condition (AMSC) application for a residential development of 159 dwellinghouses at Oudenarde, Bridge of Earn, which was previously considered and agreed to be approved by this Committee's predecessor on 18 October 2017.

However, before the related decision notice was issued, the applicant expressed concern about a condition requested by Transport Scotland and the process was paused. Subsequently a follow-up report, seeking to amend the terms of the earlier Committee decision, was programmed to be presented to a subsequent Committee on 17 January 2018. Transport Scotland objected to the proposed deletion of the condition and therefore Scottish Government notified PKC on 16 January 2018 that they wished to call-in the application. As such the application was removed from the agenda to be considered the following day.

In the intervening years the original Planning Permission in Principle (PPP) has been modified and the issues leading to the Transport Scotland objection have also been resolved, such that they no longer object. As a result, the Scottish Government have returned the application back to Perth & Kinross Council for determination.

Overall, this proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions. The original report has been updated as set out below.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning Permission in Principle (02/01482/OUT) was granted in September 2016 for a residential, commercial and industrial development with associated school provision, open space and landscaping was ultimately approved. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and [08/01458/FUL](#)) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. To date, 112 of these affordable homes have been completed by Hillcrest Housing Association. Other permissions associated to

roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. A detailed planning history is set out in the 'Site History' section below.

- 2 A previous iteration of this AMSC application was considered by this Committee at its meeting on 18 October 2017 ([Report Number 17/338](#)), where members resolved to approve the application. A copy of that Report is appended for information (Appendix 1). However, prior to the decision notice being issued the applicant expressed concern regarding the condition requested by Transport Scotland requiring traffic mitigation measures (which by verbal update at the meeting was recommended to be attached by officers). As the PPP approval had not provided for traffic mitigation the applicant challenged the Council's ability to include such a condition as part of the AMSC approval. Following dialogue with numerous parties, including Legal Services, officers sought to present an amended position to the 17 January 2018 Planning and Development Management Committee ([Report 18/5](#)), which proposed to delete the previously considered condition. A copy of this Report is appended for information (Appendix 2).
- 3 However, this proposed approach resulted in an objection from Transport Scotland and a Direction was issued by the Scottish Government on 16 January 2018 calling-in the application. The application was subsequently forwarded to the Scottish Government's Planning and Environmental Appeals Division (DPEA).
- 4 During the call-in period, some 2.5 years, procedural notices were issued by the appointed DPEA Reporter requiring action by both the applicant and the Council. These resulted in extensive dialogue between the applicant, the Council and Transport Scotland. This cumulated in updated transport modelling being undertaken, clarifying the traffic impacts arising from the development and allowing identification of appropriate mitigation on the local and Trunk Road networks. These measures were then agreed by the applicant and PKC, then endorsed by Transport Scotland. Following this agreement and to facilitate the new roads mitigation measures, Perth & Kinross Council promoted an order under the Town and Country Planning (Scotland) Act 1997 to modify the PPP (02/01482/IPM) issued in 2016. This Modification Order was advertised by the Council on 18 May 2020 and following no objection by any person, it was approved by the Scottish Government in July 2020. The Order modifies the terms and conditions of the original PPP, addressing the transport matters raised by Transport Scotland (modified Conditions 6 and 7) and clarifying the terms by which all related AMSC applications are bound (Condition 1), as well as establishing the maximum extent of development (Condition 5). A copy of the Modification Order is appended for information (Appendix 3). It should however be noted that the associated S75 remains unaltered or affected by the modification.
- 5 Following this Order, Transport Scotland withdrew their objection to the AMSC application. The Scottish Government then issued a further Direction on 10 August 2020, revoking the call-in of the AMSC application and confirming no further action would be taken by them. This AMSC application was therefore remitted back to Perth & Kinross Council to determine.

- 6 Appendices 1 and 2 provide the context and description of the proposal. However, it is considered necessary to clarify these matters below, given the passage of time since the application was last considered in October 2017.
- 7 The application site comprises an area of relatively level ground between the A912 to the south; the Edinburgh-Perth railway line to the north; the A90(T) to the west, with Bridge of Earn beyond; whilst to the east is undeveloped land largely in agricultural use. The A912 road has been upgraded to facilitate the development of land either side and includes a roundabout to provide access to areas to both its north and south.
- 8 Oudenarde (including the proposed site) is identified in TAYplan as a strategic development area. Related to this, it is allocated (site H15) in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 for mixed use development, with an indicative residential number of 1,600 dwellings.
- 9 This AMSC application represents the first permission being sought under the amended PPP and represents 'Phase 2' of the development overall (after the aforementioned affordable housing). Permission is sought jointly by two developers (Taylor Wimpey and GS Brown) for 159 dwellinghouses, ranging from 2-5 bedroom in size, and for associated landscaping and infrastructure immediately north-east of the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey – all over 2 floors:

2 bedroom – 24 units
3 bedroom – 48 units
4 bedroom – 57 units
5 bedroom – 8 units

GS Brown – bungalows:

3 bedroom – 22 units

- 10 The proposal includes a landscape buffer in the southern area, adjacent to the A912, and another along the eastern boundary. Cycling and walking routes would run through these landscape buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. Within the eastern landscape buffer, a play area is also proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 During the Scottish Government call-in of the application, the DPEA screened the proposal and found that an EIA was not required, and this position is accepted by the Council.

PRE-APPLICATION PROCESS

- 12 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-

application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

NATIONAL POLICY AND GUIDANCE

- 13 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 14 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.

Scottish Planning Policy 2014

- 15 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 - 35
- Placemaking: paragraphs 36 – 57
- Valuing the Natural Environment: paragraphs 193 – 218
- 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

- 17 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- 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 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 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

- 18 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

- 19 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

TAYplan Strategic Development Plan 2016-2036

- 22 TAYPlan sets out a vision for the region in 2036 and what must occur to bring about change to achieve this vision. The vision as set out states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 24 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 25 The application site forms part of a larger (123ha) allocation (H15 in LDP 2 for a mixed-use development (residential and employment). The Site-Specific Developer Requirements for Oudenarde includes the following:
- Implementation of approved Masterplan.
 - Subject to strategic transport appraisal (involving Transport Scotland), a new railway station may be required as part of the development.
 - Investigation of provision of a heat network using renewable or low carbon energy sources.
- 26 The principal relevant policies of LDP2 are, in summary:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 14: Open Space Retention and Provision
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 23: Delivery of Development Sites
 - Policy 24: Maintaining an Effective Housing Land Supply
 - Policy 25: Housing Mix
 - Policy 26: Scheduled Monuments and Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 52: New Development and Flooding
 - Policy 53: Water Environment and Drainage
 - Policy 54: Health and Safety Consultation Zones
 - Policy 56: Noise Pollution

- Policy 57: Air Quality
- Policy 58: Contaminated Land
- Policy 60: Transport Standards and Accessibility Requirements:

Supplementary Guidance

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- PKC Placemaking Supplementary Guidance July 2020
- Developer Contributions and Affordable Housing Supplementary Guidance July 2020.

SITE HISTORY

27 The following planning history is relevant:

- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
- **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020.
- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.

- [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.
- [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- [08/02303/FUL](#) Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

CONSULTATIONS

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

External

- 29 **Transport Scotland:** No objection, following the transport modelling exercise and Modification Order of 02/01482/IPM.
- 30 **Historic Environment Scotland (HES):** No objection.
- 31 **Scottish Environmental Protection Agency (SEPA):** No objection.
- 32 **Scottish Water:** No response received.
- 33 **Shell UK Limited:** No objection.
- 34 **British Petroleum (BP):** No objection.
- 35 **Network Rail:** No objection.

36 **Perth and Kinross Heritage Trust (PKHT):** No objection but advise that the site may have some archaeological potential and development will require monitoring.

37 **Earn Community Council:** No response received.

Internal

38 **Transport Planning:** No objection.

39 **Structures and Flooding:** No objection.

40 **Biodiversity Officer:** No objection, subject to conditional controls.

41 **Community Greenspace:** No objection.

42 **Waste Services:** No objection.

43 **Developer Contributions Officer:** Notes planning permission 02/01482/IPM and that the associated S75 legal agreement establishes the developer contribution requirements and sets out time scales. Advises that S75 also applies to this proposal.

REPRESENTATIONS

44 One representation has been received, which asked if walking and cycling connectivity with Bridge of Earn can be improved through this proposal. This issue is discussed in the 'Appraisal' section below.

ADDITIONAL STATEMENTS

45	Screening Opinion	Undertaken: EIA not required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement; Transport Modelling

APPRAISAL

Policy

46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Since the application was presented to the October 2017 Planning and Development Management Committee there has been a Development Plan change, with the adoption of TAYplan 2016-2036 (October

2017) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

Principle

- 47 Notwithstanding the changes to the Development Plan since the application was last considered, the principle of residential development is well established through the Tier 1 Settlement status in TAYplan and the allocation as Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented, with 112 completed and occupied to the northwest.
- 48 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

Transport and Access

Trunk Road

- 49 As highlighted, Transport Scotland expressed concerns of the potential impact on trunk road infrastructure and road safety. This resulted in the Scottish Government calling-in this application in January 2018.
- 50 During that call-in extensive discussions and further procedures were undertaken by the applicant, Perth and Kinross Council and Transport Scotland. This involved new transport modelling being undertaken by the Council and then by the applicant to assess the impact of the development on the adjacent M90 north and south bound slip roads and the geometry of the northbound merge.
- 51 The modelling exercise concluded that signalised junctions on the A912 road, rather than previously considered roundabouts, would provide a safer, more effective and up-to-date design solution for the slip roads. The signalised junctions will also assist with a safer footpath and cycling connection between the site and Bridge of Earn. Transport Scotland agree with this position and the design of the junctions.
- 52 The PPP, as modified, incorporates conditions 6 and 7 (of the Modification Order) which relate to the phased delivery of the off-site road improvements; with modifications to the M90/A912 priority-controlled interchange prior to the completion of the 348th residential dwelling and modification to the existing M90 / A912 northbound merging arrangement prior to the completion of the 848th dwelling. The detailed scheme for both requirements were submitted and endorsed as part of the modification process. As stated, the modified PPP addresses Transport Scotland's concerns, and they no longer object. The proposal, subject to the PPP modified conditions, therefore is not considered to

have any adverse impact on the Trunk Road network and is compliant with LDP2 Policy 60 – Transport Standards and Accessibility Requirements.

Local Road Network

- 53 Transport Planning have reviewed the proposal, including the transport modelling exercise. They are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. Condition 2 and 3 will ensure the works are completed to the required standards.

Internal Road and Parking

- 54 The internal road layout was previously approved and is largely built out on-site. In terms of car parking the developers have provided in-curtilage parking down the sides of houses at the key access points to the site to help reduce the visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered acceptable.
- 55 A Construction Traffic Management Plan (CTMP) will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 15).
- 56 Overall, the proposal therefore complies with LDP2 Policy 60; as the trunk and local transport network can accommodate the proposed level traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

Density, Design and Layout

- 57 Through Creating Places 2013, 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.
- 58 Further Designing Streets, published in 2010 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.
- 59 In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should also be properly connected with adjacent areas. 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. In this case, the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a highly permeable and well-connected site, within the approved Oudenarde masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP2 Policy 60 Transport Standards and Accessibility Requirements.

- 60 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn. The proposal is in line with PAN 77 - Designing Safer Places and LDP2 Policy 1 - Placemaking.
- 61 The proposal consists of two-storey detached, semi-detached, terraced and single storey properties and provide a good mix of open market housing to a wide variety of potential purchasers. This will ensure the proposal complies with LDP2 Policy 25 - Housing Mix.
- 62 In terms of materials, an acceptable palette of materials is proposed. Taylor Wimpey proposes a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Brown's main finishes of white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.
- 63 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 64 Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a good mix of open market housing within a well-designed place that complies with the LDP2 policies and Supplementary Guidance on Placemaking.

Drainage and Flooding

- 65 The site is not located within a recorded area of flood risk. However, as the site topography is flat and predominantly clay, a Drainage Strategy was submitted,

including an assessment of the 200-year return period including 20% for climate change.

- 66 Drainage calculations show that the site is not at risk of surface flooding, but that other undeveloped phases of the wider Oudenarde site were at such risk. Evidence has been provided confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 67 The Flooding team are content that the current proposal is not at risk of flooding and during the development of future phases additional storage can be accommodated within a suitably designed SUDS scheme.
- 68 The Scottish Environment Protection Agency (SEPA) also confirm there will be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage.

Open Space and Recreation Provision

- 69 The approved masterplan for the wider allocation looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents.
- 70 Landscape buffers are proposed to the southern boundary and western boundaries. Within the eastern open space area and boundary landscape buffer, a play area is proposed, consistent with the approved masterplan. Although Community Greenspace comment that they would prefer to see the play area in a more central position within the current application site.
- 71 However, the proposed play area location is consistent with the approved masterplan and will, in time, be located centrally within this part of Oudenarde, as there is to be another residential phase immediately east and it would then benefit from natural surveillance.
- 72 It is considered that the location of proposed open space and play area is acceptable and will benefit future residents in the area. Detailed design of the play area will need to be agreed (Condition 6). The proposal complies with LDP2 Policy 14 – Open Space Retention and Provision.

Residential Amenity

Overlooking

- 73 All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings.

Overshadowing, loss of sunlight and daylight.

- 74 The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 75 Taking cognisance of this BRE document, the distances between new and existing properties and site levels at the southern end of the site, it is considered an acceptable level of daylight and sunlight will be provided to each property.
- 76 Overall, in terms of residential amenity the proposal complies with LDP2 Policy 1 – Placemaking and the Placemaking Supplementary Guidance July 2020.

Ecology

- 77 The Council's Biodiversity Officer expresses disappointment that structure planting has been lost along the boundary with the A912. Nevertheless, it is recognised that a new landscape buffer is proposed.
- 78 It was also recommended that an ecological survey, including a tree survey, be carried out. The applicant provided an updated Habitat Survey to assist consideration of this matter.
- 79 This survey was reviewed by the Council's Biodiversity Officer, who noted that a species of Orchid was present on the site. Because some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP) they should be protected. Any Orchids should be translocated, where possible to an area of the site which will allow them to be retained, such as SUDS area of the development. This will be secured through Condition 14.
- 80 Birds identified included skylark and snipe, both protected species which are ground nesting. Prior to commencement of development, if this is during the breeding times of March to August, an ornithological survey (Condition 16) will need to be undertaken to identify nest sites. However, as the Habitat Survey was undertaken outside of the breeding bird season there is potential that other species could nest on site. An updated breeding bird survey will identify species that may be affected and possible nest locations. This will also be secured by Condition 16.
- 81 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks (Condition 13) within the proposed dwellinghouses. Additionally, the timing of vegetation clearance, including hedges and ground flora is recommended to be restricted to a period from 1 September to end of February, unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations will also be conditioned in any approval (Condition 11).

Archaeology

- 82 PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 4).

Waste

- 83 The Council's Waste Services team provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. An informative will ensure the collection of waste will address this. (Informative 11).

Protected Infrastructure

- 84 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal. Network Rail have also confirmed that their infrastructure to the north will not be affected. The proposal therefore complies with LDP Policy 54 – Health and Safety Consultation Zones.

Developer Contributions including Affordable Housing

- 85 This site has PPP under 02/01482/IPM. The associated S75 Legal Agreement establishes the developer contribution requirements and payment time scales.
- 86 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses, of which 112 are now completed GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. Although, it is accepted that affordable housing is not therefore required within this phase.

Health Care

- 87 The site is allocated in LDP2 for 1,600 dwellings and NHST were formally consulted during the plan-making process. However, neither NHST or the HCSP provided feedback at the time of the site being allocated within LDP2. In any case, as this is an application for 159 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved masterplan from the In-Principle permission for the overall allocated site looks to provide a local centre, including health and social care facilities (doctors and dentist) at a later phase. In the longer term it is

anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.

- 88 For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.

Economic Impact

- 89 The development of 159 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through home owners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

LEGAL AGREEMENTS

- 90 This site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 92 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks detailed permission for development on a strategic site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.
- 93 Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

- 94 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 95 Accordingly the proposal is recommended for approval subject to the following 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 herewith, 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 Prior to the occupation of any dwellinghouse, all matters regarding access, car parking, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

- 3 Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 50th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme (Planning ref: 16/02156/6) as approved shall be commenced at the same time as commencement of the residential development and completed by occupation of the 100th dwelling. Thereafter it shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

- 6 Prior to the commencement of development, a detailed layout of the proposed children's play area indicated in the site layout plan (Plan ref: 16/02156/2) shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved play area shall be laid out and equipped within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site including landscaping and play area and construction works has been submitted and approved in writing by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the agreed delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be 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 Council as 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 agreement of the Council as 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.

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and verified by the Council as 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).

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

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

- 12 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 unless otherwise agreed in writing with the Council as Planning Authority.

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

- 13 Prior to occupation of any hereby approved dwellinghouse, a scheme demonstrating that a minimum of 30% (41 units) of all completed two-storey dwellinghouses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be submitted to and approved by Perth & Kinross Council as Planning Authority.

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

- 14 Prior to the commencement of development, any Orchids, as identified in the applicant's Phase 1 Habitat Survey by Christopher Palmer Associates - April 2017 (pages 8, 17, 22 23) shall be translocated and incorporated into the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

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

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 Prior to the commencement of development, an up to date Ornithological and Breeding Birds Survey including mitigation measures shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved survey and mitigation measures.

Reason: In the interests of enhancing environmental quality and of biodiversity

B JUSTIFICATION

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

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 development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 4 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.

- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 Please apply to the Street Naming and Numbering Officer, The Housing & Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines.
- 9 The proposed building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.
- 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 11 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 12 No work shall be commenced until an application for building warrant has been submitted and approved.
- 13 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
- 14 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either

before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 1 letter of representation
Report of Handling 18 October 2017 (Appendix 1)
Report of Handling 17 January 2018 (Appendix 2)
Modification Order May 2020 (Appendix 3)

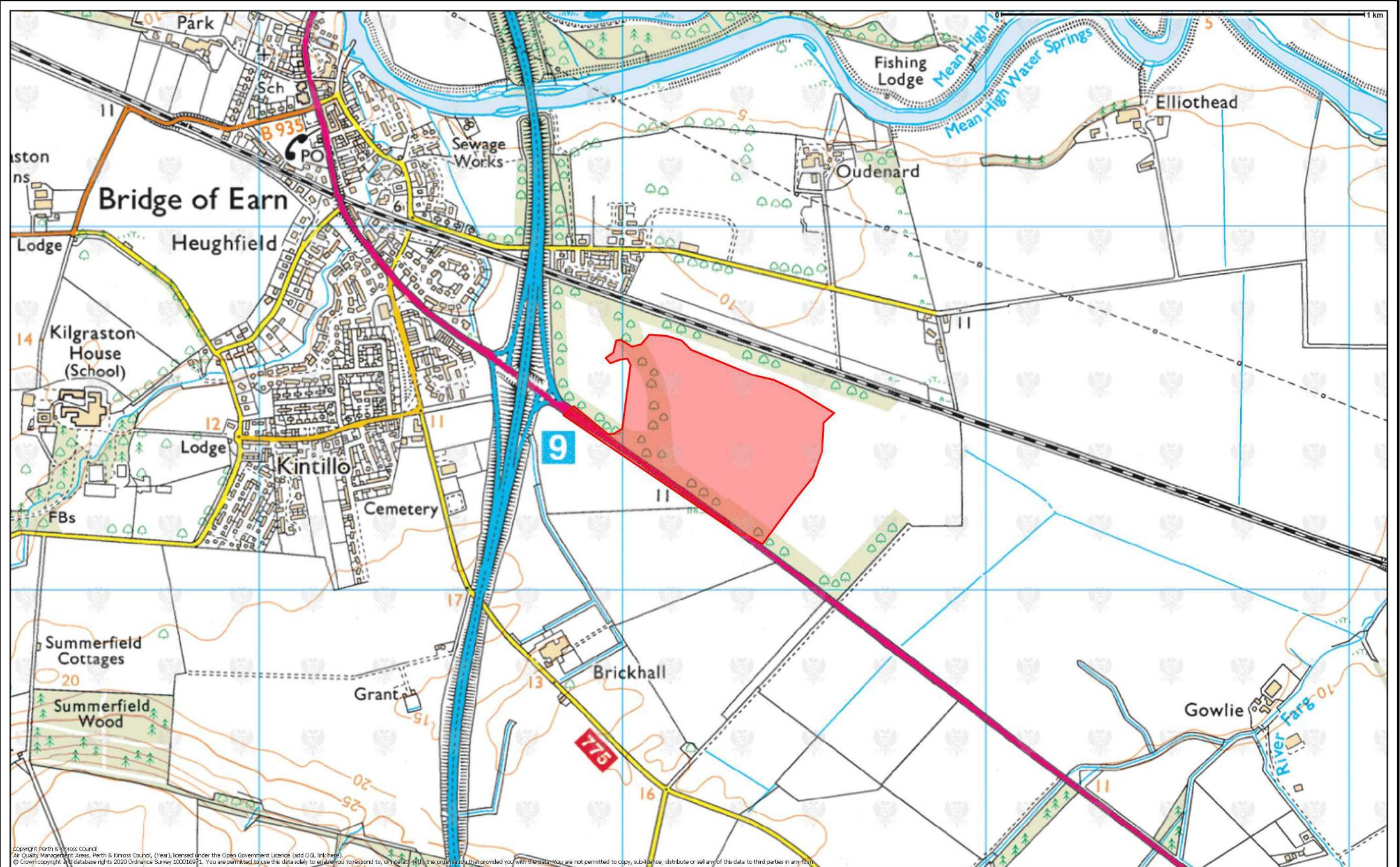
Contact Officer: Steve Callan Ext 75337
Date: 8 October 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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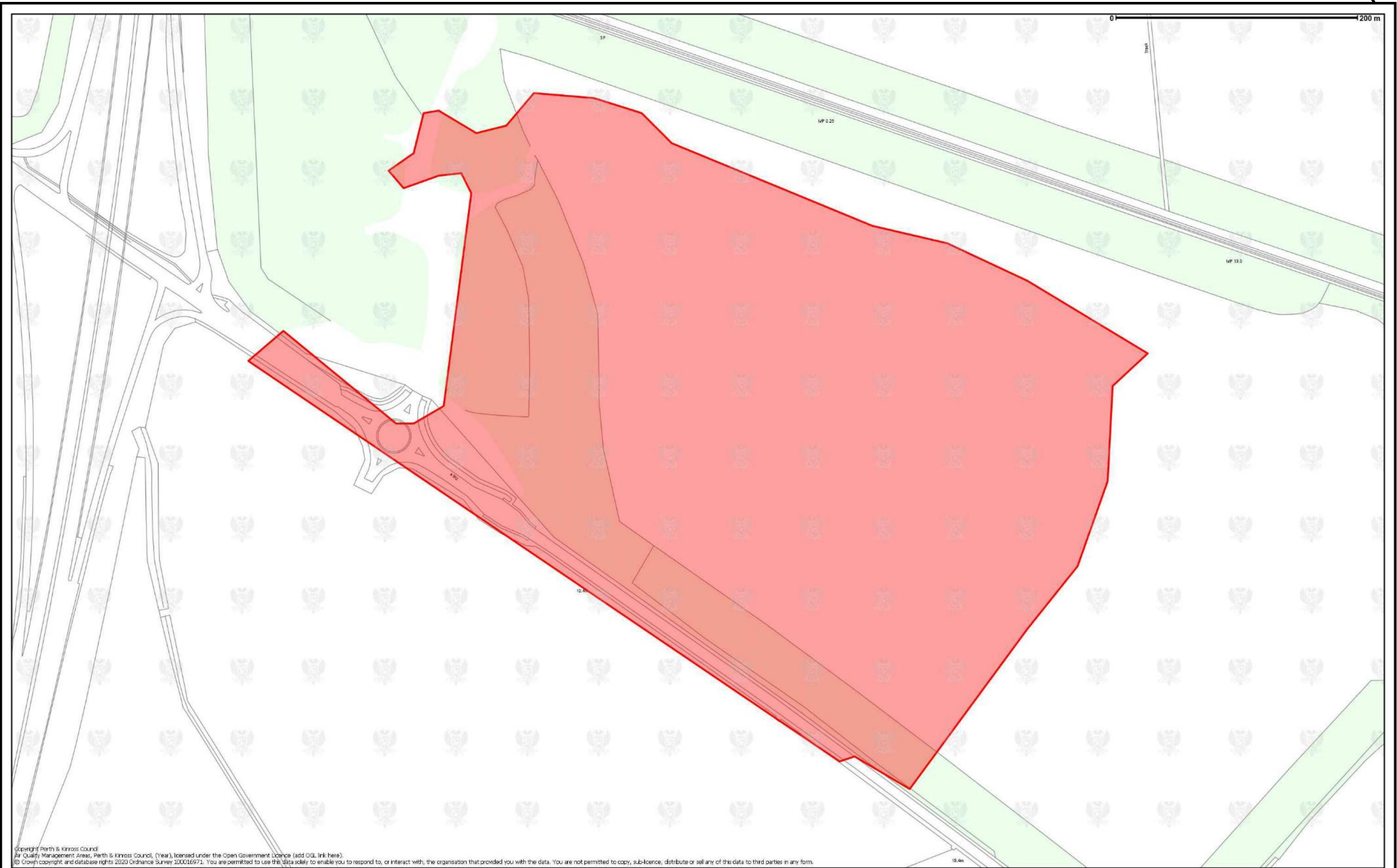
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Perth and Kinross Council
Planning & Development Control Committee – 18 October 2017
Report of Handling by Interim Development Quality Manager

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at
land to the north of A912 at Oudenarde, Bridge Of Earn

Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report recommends approval of the matters specified by condition application for residential development of 159 dwellings with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire.

The development is considered to comply with the current Development Plan. The application is Phase 2 of 'In Principle' planning approval 02/01482/OUT for residential, commercial and industrial development with associated school provision, open space and landscaping at Oudenarde. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site (known as Oudenarde) is an area of level ground in between the A912 road to the south and the railway line to the north to the east of Bridge of Earn. The site is Phase 2 within the Oudenarde Village development. In Principle planning consent was granted in October 2002 under application 02/01482/OUT for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping. The Section 75 legal agreement was concluded in 2016 which allowed the release of the decision notice. Phase 1 of 150 affordable houses was consented in advance of the Section 75 and 112 have been completed by Hillcrest Housing Association to the north of the rail line and accessible via Clayton Road.
- 2 The A912 road intersecting the Odenarde site has recently been upgraded to facilitate the development of both the approved residential and commercial/employment areas. A roundabout has been constructed to provide access roads to the north and south to serve the site
- 3 Oudenarde (including the proposed site) is identified in the TAYplan Strategic Development Plan (2012) as a strategic development area and is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development with an indicative density of 1,600 dwellings.
- 4 This proposal is for the erection of 159 dwellings ranging from 2 to 5 bedroom by two developers (Taylor Wimpey and GS Brown) including landscaping and infrastructure on an area of ground just off the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey

2 bedroom – 24 units

3 bedroom – 48 units

4 bedroom – 57 units

5 bedroom – 8 units

- 5 All the above will be two storey dwellings.

GS Brown

3 bedroom bungalows – 22 units

- 6 The proposal provides a landscape buffer along the southern end adjacent to the A912 and another landscape buffer is proposed along the eastern boundary. Cycling and walking facilities run through the proposed landscape buffers to connect up with the rest of the Oudendarde site and the wider area including Bridge of Earn. Within the eastern landscape buffer a play area is proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 As the proposal is a Matters Specified by Condition application the environmental impact of Oudendarde was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process.

PRE-APPLICATION PROCESS

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

National Planning Framework

- 10 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

- 11 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
 - 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
- 12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - 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 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

- 14 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

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

DEVELOPMENT PLAN

- 16 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 17 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”

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

Policy 1 – Location Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area which Oudenarde is in 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

- 20 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

- 21 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

- 22 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area of Oudenarde.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 23 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

- 24 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

- 25 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.
- 26 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.”*
- 27 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 28 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

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

Policy PM3 - Infrastructure Contributions

- 38 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

- 39 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

- 40 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 42 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

- 43 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

- 44 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 HE1B - Scheduled Monuments and Non Designated Archaeology

- 47 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 NE2B - Forestry, Woodland and Trees

- 53 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

- 54 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

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 57 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

- 58 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

- 59 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

- 60 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

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

OTHER POLICIES

- 62 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.
- Perth and Kinross Retail Study 2014.

Planning Site History

- 63 The following planning history is relevant.
- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
 - **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
 - **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016.

- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers. August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- **08/00610/OUT** Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge Of Earn. Approved by Development Management Committee February 2009.
- **08/01458/FUL** Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- **08/01815/MOD** Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- **08/02298/FUL** Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- **08/02303/FUL** Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- **10/01411/FLL** Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- **14/00268/FLL** Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

CONSULTATIONS

External

Transport Scotland

- 64 Have requested conditions that were applied to the adjacent site at Brickhall Farm.

Historic Environment Scotland (HES)

- 65 No objection.

Scottish Environmental Protection Agency (SEPA)

- 66 No objection.

Scottish Water

- 67 No response received.

Shell UK Limited

- 68 No objection.

British Petroleum (BP)

- 69 No objection.

Network Rail

- 70 No objection.

Perth and Kinross Heritage Trust (PKHT)

- 71 No objection but comment that the site may have some archaeological potential and development will require monitoring.

Earn Community Council

- 72 No response received.

Internal

Transport Planning

- 73 No objection.

Flood Risk and Structures

- 74 Following submission of further information on SUDs they are supportive of the proposal.

Biodiversity Officer

Following submission of a Habitat Survey, no objection provided certain conditions are applied.

Community Greenspace

- 75 No objection to the proposal.

Waste Services

- 76 No objection to the proposal.

Developer Negotiations including Affordable Housing and Transport Infrastructure

- 77 The site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement has determined the Developer Contribution requirement and sets out the payment time scales. This S75 applies to this phase.

REPRESENTATIONS

- 78 The application has attracted 1 representation which has asked if walking and cycling connectivity with Bridge of Earn can be improved with this proposal. This is addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

79	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement/Design and Access Statement	Not required
	Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement.

APPRAISAL

Policy

- 80 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 81 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and is identified as a strategic development area. The LDP allocates the site for mixed use development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable. A first phase development of 150 affordable units has already been consented, with 112 built out and occupied on the north western section of the site.

Design and Layout

- 82 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.
- 83 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.
- 84 In terms of site layout, 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 areas. 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. In this case the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a very permeable and well connected site within the approved Oudenarde masterplan site and also with the wider area including Bridge of Earn. In terms of cycling and pedestrian connection it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.

- 85 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 86 The proposal consists of two storey detached, semi-detached, terraced and single storey properties by two developers Taylor Wimpey and GS Brown providing a good mixture of open market housing to a wide variety of potential purchasers. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn.
- 87 In terms of materials, both developers propose a reasonably standard but acceptable palette of materials. Taylor Wimpey proposed a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Browns main finishes of white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.
- 88 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 89 Overall this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the In Principle permission and will provide a good mix of open market housing types by two developers.

Transport and Access

- 90 Transport Planning having reviewed the proposal, are satisfied that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 91 In terms of car parking the developers have provided in curtilage parking down the sides of houses at the key access points to the site to help reduce the traditional visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.

- 92 A Construction Traffic Management Plan will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic.
- 93 As this is an Approval of Matters Specified by Condition (AMSC) application, Transport Scotland were consulted in error for this proposal. Notwithstanding this they have requested that certain conditions that have been requested in the past to the adjacent employment site at Brickhall Farm are also repeated for this proposal. Their request relates to the detailed and complex planning history of the site and area.
- 94 Whilst the masterplan for the entire site was approved by the Planning and Economic Committee in August 2001, the 'In Principle' Planning Application (02/01482/OUT) was approved by Development Management Committee in October 2002, but subject to the formulation of conditions and the signing of a Section 75 legal agreement. A further report was presented to Development Management Committee in November 2012 to advise that the S75 had not been concluded due to the economic downturn. The report also presented a revised Heads of Terms for the Section 75 and a list of conditions.
- 95 The proposed Heads of Terms relating to Transport included:
- I. Park and Ride/ Rail Halt (Land to be reserved for 12 years)
 - II. Access Works (two roundabouts on the A912 and A912/M90 slip roads) and
 - III. Traffic calming: Bridge of Earn
 - IV. Short Term improvements pending main works
 - V. Clayton Road to footway/ cycle way plus maintain as emergency access
- 96 Reference is also made to the provision of the road bridge over the railway and to be completed before the sale of the 100th mainstream house.
- 97 The proposed conditions included reference to the Heads of Terms of the Section 75 Agreement. However Transport Scotland advise there is no reference to any of the conditions previously advised by them on the masterplan in their consultation response for application 01/01822/OUT, which was never determined because it was appealed on the grounds of non-determination but subsequently withdrawn by the applicant .
- 98 Transport Scotland consultation response to application 08/00610/OUT for the employment land south of the A912 (Brickhall Farm) included two conditions advising that prior to commencement of any development that designs for modifications to the M90 Junction 9/ A912 east and west roundabouts be submitted for approval and that prior to occupation of any part of the development that the approved modifications to the M90 junction 9/ A912 east and west roundabouts shall be completed. Transport Scotland advise that the Decision Notice for 08/00610/OUT did not include these two conditions advised by them.

- 99 The subsequent decision notice for 10/01411/FLL to modify the 08/00610/OUT decision did add the two additional conditions back in that were originally missed to reflect Transport Scotland's consultation response.
- 100 In contrast, the decision notice for 02/01482/OUT issued in September 2016 following conclusion of the Section 75 identifies the infrastructure mitigation only through the Heads of Terms for the S75 Agreement. The Section 75 removes reference to development modifications for the M90/A912 northbound merge and capacity improvements to the A9 Broxden roundabout and introduces the requirement for two roundabouts to be constructed on the M90 slips/ A912.
- 101 Transport Scotland have requested that conditions they recommended for 08/00610/OUT and 10/01411/FLL be imposed for this application.
- 102 Whilst it is regrettable that requested conditions were not included in a past decision but fundamentally they are for a different site and they can still be applied should the employment site at Brickhall Farm come forward. In any event, we have an In Principle planning permission in place with a signed Section 75 legal agreement. It is considered too late in the planning process and unreasonable to try and impose conditions for an Approval of Matters Specified by Condition (AMSC) application for a different development site. Failing to apply conditions requested by a government agency such as Transport Scotland normally means a planning application is required to be sent to Scottish Ministers to see if they wish to call the application in or return to the Planning Authority to issue its decision. However, the Scottish Government has recently confirmed that there is no referral process in place for AMSC applications to go to Scottish Ministers and therefore a decision notice can be issued by the Planning Authority
- 103 The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact.

Drainage and Flooding

- 104 The site is not located within a recorded area of flood risk. However because the site topography is very flat and predominantly clay, a Drainage Strategy was submitted by the applicant. Drainage calculations were submitted that included an assessment of the 200 year return period including 20% for climate change.
- 105 The drainage calculations show that the proposed development site is not at risk of surface flooding up to this design standard. What it did show was that other undeveloped phases of the Oudenarde site were at risk of some surface water flooding. Evidence has been provided by the applicant confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 106 The Flood Risk team are therefore content that the current proposal is not at risk of flooding and during the development of future phases additional storage

can be accommodated within a suitably designed surface water drainage system/SUDS.

- 107 Scottish Environment Protection Agency (SEPA) also confirm there should be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2 and EP3.

Open Space and Recreation Provision

- 108 The approved masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents and primary school.
- 109 A landscape buffer is proposed along the southern boundary with the A912 and along the western boundary. Within the western boundary landscape buffer a play area is proposed and is consistent with the approved masterplan. Community Greenspace commented that they would prefer to see the play area in a more central position within the current application site.
- 110 However the proposed play area location is consistent with the approved masterplan and will in time be located centrally within this part of the Oudenarde site as there will be another residential phase immediately east of it in the future. It will then be located centrally and will benefit from natural surveillance.
- 111 It is considered that the proposed open space and play area for this phase is acceptable and will be a benefit to future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

Residential Amenity

Overlooking

- 112 None of the proposed residential units will result in an unreasonable level of overlooking due to acceptable separation distances between dwellings and proposed buffer planting along the eastern perimeter of the site.

Overshadowing, loss of sunlight and daylight.

- 113 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 114 Taking cognisance of the BRE document, the distances between new and existing properties and site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to each property.
- 115 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking.

Ecology

- 116 The Councils Biodiversity Officer is disappointed that some of the structure planting will be lost along the boundary with the A912. Much of this planting has however already been removed and a new landscape buffer is proposed as part of this phase.
- 117 He also recommended that an ecological survey including tree survey be carried out. Even though this is a Matters Specified by Condition application and technically too late in the planning process to request further ecological investigations, the applicants have provided a Habitat Survey. This has been reviewed by the Biodiversity Officer.
- 118 Of note is the presence of a species of Orchid and as some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP), they should be protected. Any Orchids should be translocated, where possible, to an area of the site which will allow them to be retained, such as SUDS area of the development.
- 119 Birds identified at the time of the survey included skylark and snipe, both protected species which nest on the ground. Prior to commencement of development, if during the breeding times of March to August that an ornithological survey will need to be undertaken to identify nest sites of all ground nesting birds. As the Habitat Survey was undertaken outside of the breeding bird season it is highly likely that other species could be nesting on site and a breeding bird survey will be required to identify species that may be affected and possible nest locations.
- 120 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks. The timing of vegetation clearance, including hedges and ground flora is restricted to a period from 1 September to end of February unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations should also be conditioned into any approval.

Archaeology

- 121 PKHT have confirmed that whilst they have no records the area may contain some archaeology. However as this is an AMSC application it is not the correct stage of the planning process to request archaeological investigations or conditions be applied. However, an informative can be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust.

Waste

- 122 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should adequate space within each property to

accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. An informative will ensure the collection of waste will be addressed.

Oil and Gas Pipelines

- 123 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal.

Rail Line

- 124 Network Rail have confirmed that their infrastructure located north of this phase will not be affected by the proposal.

Developer Contributions including Affordable Housing

- 125 This site has planning consent under 02/01482/IPM. The associated Section 75 Legal Agreement determines the Developer Contribution requirement and sets out the payment time scales.
- 126 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association Ltd have planning consent for 150 affordable houses, 112 of these houses are now occupied. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will satisfy the affordable housing requirement for the overall development. Affordable housing is not therefore required as part of this phase.

Economic Impact

- 127 According to Homes for Scotland, the development of 159 dwellings is predicted to provide 652 (4.1 per dwelling) jobs (construction and afterwards) and this will impact on the level of in-direct jobs that the construction activity and home owners will generate from spending on local goods and services.
- 128 Once operational it is predicted that new residents should help fill job vacancies and support numerous existing employers in the local area.
- 129 The development of 159 dwellings will provide a significant increase in available expenditure for the local economy 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 159 dwellings the estimated annual expenditure on convenience and comparison goods will be in the region of £329,107. This expenditure should have a significant positive impact on the local area and its facilities in particular.

LEGAL AGREEMENTS

- 130 This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 131 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

- 132 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish detailed development on a strategic site and it is consistent with the objectives of the Development Plan and the approved masterplan for the site.
- 133 Residential development at Oudenarde is a committed development site and allocated in the both the SDP and LDP. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 134 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 135 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 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.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any dwelling, all matters regarding access, car parking, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted

and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be 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.

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by the 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).

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

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

- 12 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 unless otherwise agreed in writing with the Planning Authority.

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

Reason: In the interests of enhancing environmental quality and of biodiversity

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

Reason: In the interests of enhancing environmental quality and of biodiversity

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the planning authority.

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

B JUSTIFICATION

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 NOTE

None required

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 6 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 7 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, 35 Kinnoull Street, Perth, PH1 5GD.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 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.
- 10 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines
- 11 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

- 12 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.
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 14 No work shall be commenced until an application for building warrant has been submitted and approved.

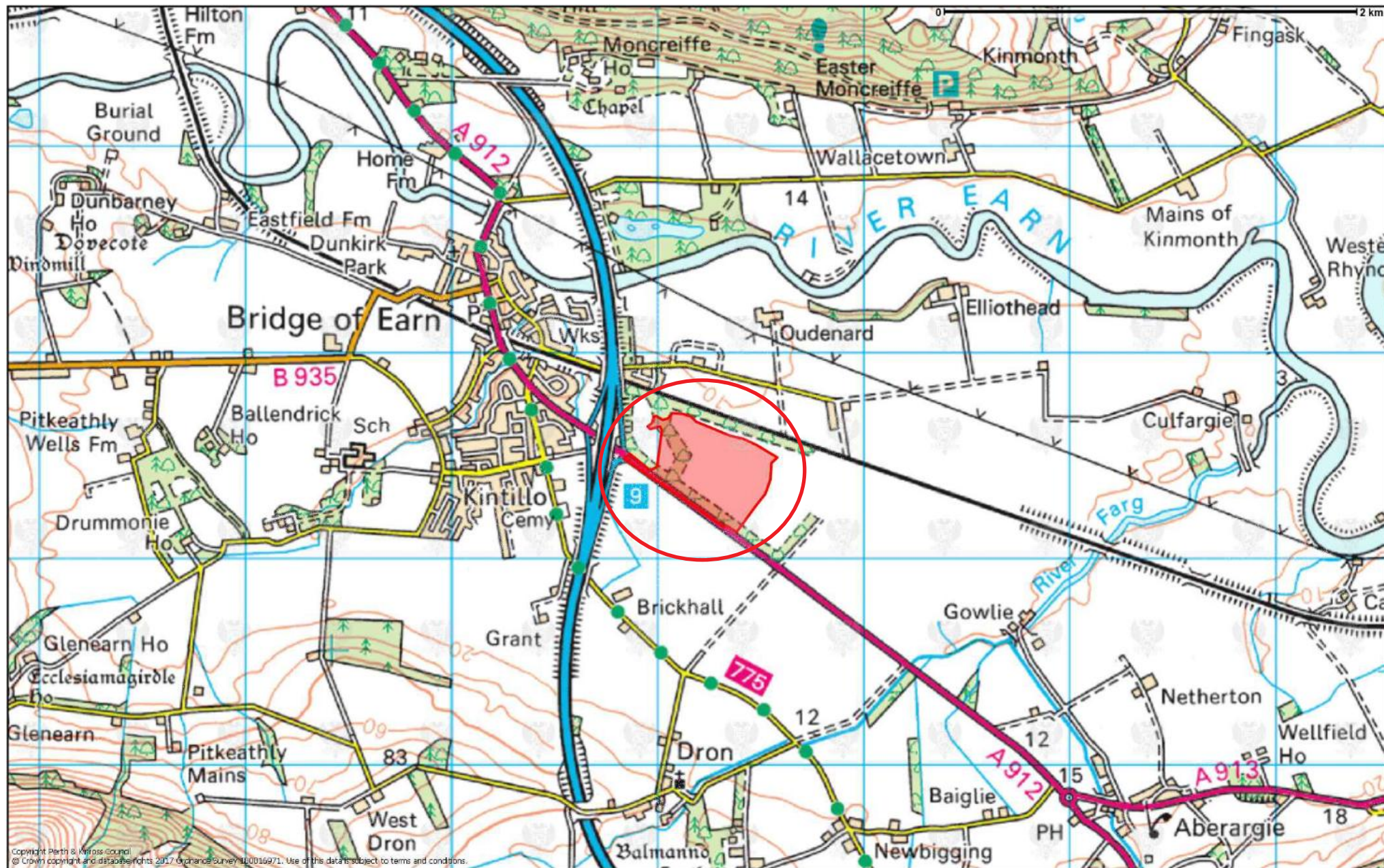
Background Papers: 1 letter of representation
Contact Officer: Steve Callan Ext 75337
Date: 4 October 2017

Anne Condliffe
Interim Development Quality Manager

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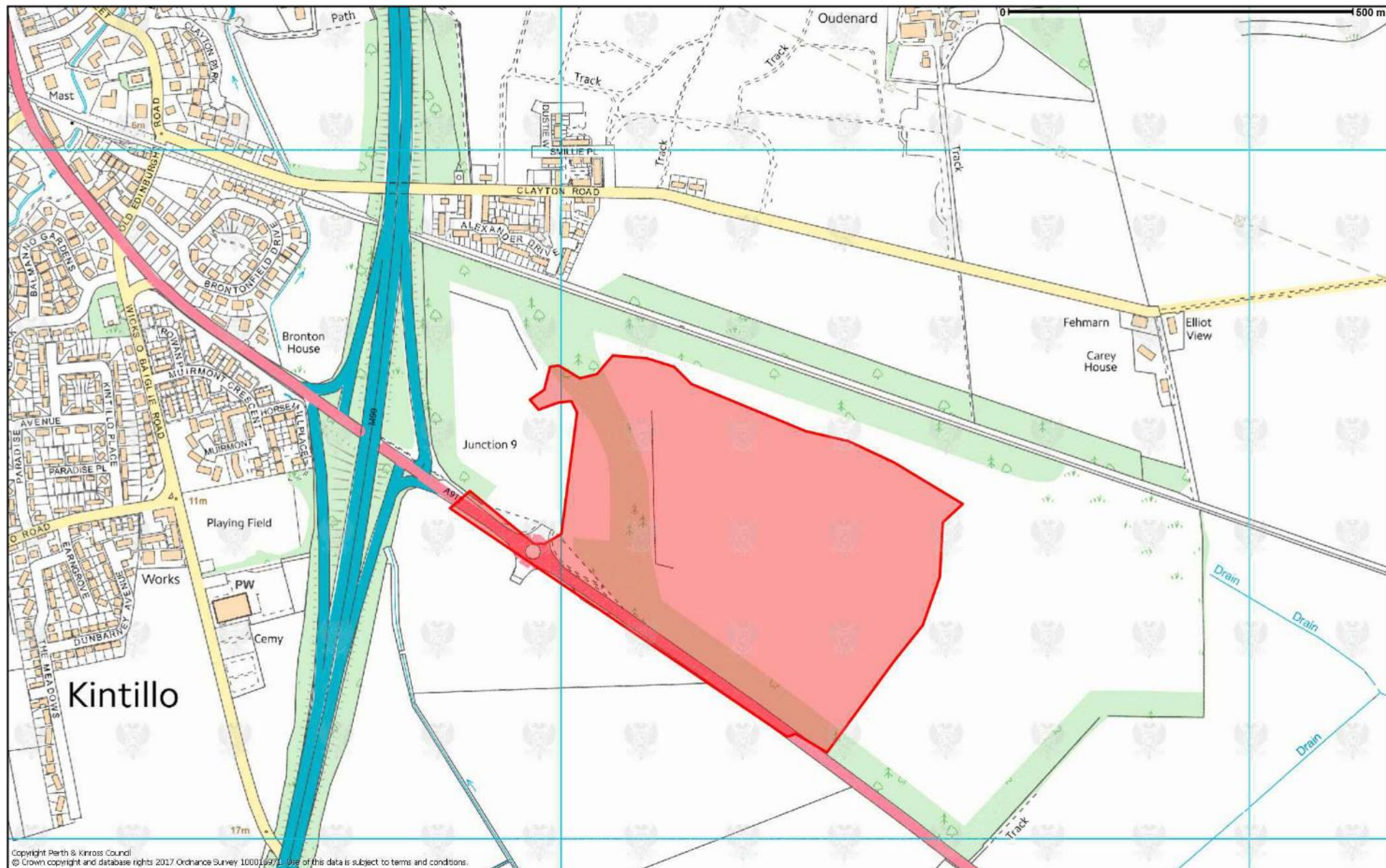
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16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping





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16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping



Perth and Kinross Council
Planning and Development Management Committee – 17 January 2018
Report of Handling by Interim Development Quality Manager

18/5

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire

Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report is an update on the approval of the matters specified by condition application for residential development of 159 dwellings at Oudenarde, Bridge Of Earn, following Committee approval on 18 October 2017.

The applicant expressed concern regarding the validity of the condition requested by Transport Scotland to be included in the decision notice. Following extensive dialogue we are now seeking to withdraw that condition approved by the Committee. Overall, this proposal remains consistent with the approved masterplan and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 This application was previously considered by this Committee at its meeting on 18 October 2017. A copy of the previous Committee Report is appended for information (Appendix1).
- 2 The reason for reporting back to Committee is that the applicant expressed concern regarding the validity of the condition requested by Transport Scotland to be included in the decision notice. That condition was put forward by officers and agreed by the Committee on 18 October 2017 and does not appear as a recommended condition in the previous Committee Report. Following extensive dialogue with all parties including Legal Services we are now seeking to withdraw that condition.
- 3 To address this we need to present the application back to committee for that condition to be removed.
- 4 This Committee Report also presents an opportunity to advise that the submitted Draft Phasing Arrangement, Draft Landscape Design Guide; Draft Structural Planting Specification; Draft Specifications; and Draft Specification Approval Timetable submitted with this (first) Approval of Matters Specified by Condition (AMSC) application as per the Section 75 requirements are acceptable. They were, unfortunately, not referred to in the 18 October 2017 Committee Report.
- 5 All other issues in relation to the application remain the same.

CONSULTATIONS

- 6 No additional consultations were required.

REPRESENTATIONS

- 7 No re-notification has been required. All representations associated with the original application are as detailed in the previous Committee Report.

APPRAISAL

Transport Scotland Condition

- 8 The following is the condition requested by Transport Scotland and subsequently approved at the 18 October 2017 Planning and Development Management Committee.

Within 12 months of this decision notice the exact design specification and delivery timescale of interchange improvements to be provided at the M90 /A912 junctions (northbound and southbound) and widening of the northbound merge road with the M90 will be submitted for written approval to the Planning Authority in consultation with Transport Scotland. The details shall generally be in accordance with the following TA Millard Partnership/Millard Consulting Drawings 2394/03/20 Revision C and 2394/03/15 Revision A associated with application 02/01482/IPM and Roads Construction Consent (RCC) drawing 316/03/408 (dated June 2009). The works shall be carried out and completed in accordance with the agreed design specification and delivery timescale.

Reason: To minimise interference with the safety and free flow of traffic on the trunk road.

- 9 Following legal advice our view is that it is not a valid condition that can be imposed on an Approval of Matters Specified by Condition (AMSC) application. The reasons for this are as follows:
- The condition refers to off-site works requiring the widening of the northbound merge road with the M90. These off-site works are not covered under the 02/01482/IPM consent, the associated Section 75 legal agreement or in the approved masterplan.
 - The requirement for a delivery timescale for works was not adequately expressed within the condition.
- 10 In terms of the northbound merge works onto the M90, this is outwith the scope of the In Principle consent and this means we cannot condition these off-site works as the condition is both unlawful and unreasonable.
- 11 Traffic safety is an important consideration and we fully understand why Transport Scotland requested the condition. It is considered the other avenue for the north bound merge works to be delivered by the developer is via the employment land to the south (Brickhall Farm) which has had conditions requested by Transport Scotland attached to its most recent consent 10/01411/FLL.

Section 75 and First Matters Specified by Condition Application

- 12 This Committee Report also advises that a Draft Phasing Arrangement; Draft Landscape Design Guide; Draft Structural Planting Specification; Draft Specifications; and Draft Specification Approval Timetable were submitted with this (first) Approval of Matters Specified by Condition (AMSC) application as per the requirements of the Section 75 legal agreement. Whilst they were not referred to specifically in the 18 October 2017 Committee Report, I can confirm the submitted information is acceptable as it shows clearly how the development will come forward on a phased basis in line with the S75 requirements and triggers for delivery of future infrastructure, such as the primary school, sports pitches, play areas, bridge over rail line, rail halt site and business land.

LEGAL AGREEMENTS

- 13 No additional work on the legal agreement is required. This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 14 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

- 15 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Whilst the additional condition requested by Transport Scotland is considered to be invalid, overall the proposal remains consistent with the approved masterplan.
- 16 Residential development at Oudenarde is a committed development site and allocated in the both the Strategic Development Plan and Local Development Plan. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.
- 17 The proposed development accords with the Development Plan and will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 18 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 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.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any dwelling, all matters regarding access, car parking, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interests of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be 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.

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by the 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).

- 11 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge

profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

- 12 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 unless otherwise agreed in writing with the Planning Authority.

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

Reason: In the interests of enhancing environmental quality and of biodiversity

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of enhancing environmental quality and of biodiversity

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

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

B JUSTIFICATION

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 NOTE

None required

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 6 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, 35 Kinnoull Street, Perth, PH1 5GD.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 8 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.

- 9 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines.
- 10 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 11 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.
- 12 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers:	None
Contact Officer:	Steve Callan Ext 75337
Date:	22 December 2017

Anne Condcliffe
Interim Development Quality Manager

Perth and Kinross Council
Planning & Development Control Committee – 18 October 2017
Report of Handling by Interim Head of Planning

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire
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Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report recommends approval of the matters specified by condition application for residential development of 159 dwellings with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire.

The development is considered to comply with the current Development Plan. The application is Phase 2 of 'In Principle' planning approval 02/01482/OUT for residential, commercial and industrial development with associated school provision, open space and landscaping at Oudenarde. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site (known as Oudenarde) is an area of level ground in between the A912 road to the south and the railway line to the north to the east of Bridge of Earn. The site is Phase 2 within the Oudenarde Village development. In Principle planning consent was granted in October 2002 under application 02/01482/OUT for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping. The Section 75 legal agreement was concluded in 2016 which allowed the release of the decision notice. Phase 1 of 150 affordable houses was consented in advance of the Section 75 and 112 have been completed by Hillcrest Housing Association to the north of the rail line and accessible via Clayton Road.
- 2 The A912 road intersecting the Odenarde site has recently been upgraded to facilitate the development of both the approved residential and commercial/employment areas. A roundabout has been constructed to provide access roads to the north and south to serve the site
- 3 Oudenarde (including the proposed site) is identified in the TAYplan Strategic Development Plan (2012) as a strategic development area and is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development with an indicative density of 1,600 dwellings.
- 4 This proposal is for the erection of 159 dwellings ranging from 2 to 5 bedroom by two developers (Taylor Wimpey and GS Brown) including landscaping and infrastructure on an area of ground just off the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey

2 bedroom – 24 units

3 bedroom – 48 units

4 bedroom – 57 units

5 bedroom – 8 units

- 5 All the above will be two storey dwellings.

GS Brown

3 bedroom bungalows – 22 units

- 6 The proposal provides a landscape buffer along the southern end adjacent to the A912 and another landscape buffer is proposed along the eastern boundary. Cycling and walking facilities run through the proposed landscape buffers to connect up with the rest of the Oudenarde site and the wider area including Bridge of Earn. Within the eastern landscape buffer a play area is proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 As the proposal is a Matters Specified by Condition application the environmental impact of Oudenarde was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process.

PRE-APPLICATION PROCESS

- 8 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

National Planning Framework

- 10 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

- 11 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
 - 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
- 12 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - 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 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

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

Designing Streets 2010

- 14 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

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

DEVELOPMENT PLAN

- 16 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 17 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”

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

Policy 1 – Location Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area which Oudenarde is in 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

- 20 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

- 21 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

- 22 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area of Oudenarde.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 23 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

- 24 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

- 25 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.
- 26 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.”*
- 27 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 28 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

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

Policy PM3 - Infrastructure Contributions

- 30 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

- 31 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

- 32 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 34 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

- 35 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

- 36 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 HE1B - Scheduled Monuments and Non Designated Archaeology

- 37 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 NE2B - Forestry, Woodland and Trees

- 38 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

- 39 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

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

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 41 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

- 42 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

- 43 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

- 44 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

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

OTHER POLICIES

- 46 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.
- Perth and Kinross Retail Study 2014.

Planning Site History

- 47 The following planning history is relevant.

- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
- **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016.
- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.

- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers. August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- **08/00610/OUT** Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge Of Earn. Approved by Development Management Committee February 2009.
- **08/01458/FUL** Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- **08/01815/MOD** Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- **08/02298/FUL** Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- **08/02303/FUL** Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- **10/01411/FLL** Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- **14/00268/FLL** Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

CONSULTATIONS

External

Transport Scotland

- 48 Have requested conditions that were applied to the adjacent site at Brickhall Farm.

Historic Environment Scotland (HES)

- 49 No objection.

Scottish Environmental Protection Agency (SEPA)

50 No objection.

Scottish Water

51 No response received.

Shell UK Limited

52 No objection.

British Petroleum (BP)

53 No objection.

Network Rail

54 No objection.

Perth and Kinross Heritage Trust (PKHT)

55 No objection but comment that the site may have some archaeological potential and development will require monitoring.

Earn Community Council

56 No response received.

Internal

Transport Planning

57 No objection.

Flood Risk and Structures

58 Following submission of further information on SUDs they are supportive of the proposal.

Biodiversity Officer

Following submission of a Habitat Survey, no objection provided certain conditions are applied.

Community Greenspace

59 No objection to the proposal.

Waste Services

- 60 No objection to the proposal.

Developer Negotiations including Affordable Housing and Transport Infrastructure

- 61 The site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement has determined the Developer Contribution requirement and sets out the payment time scales. This S75 applies to this phase.

REPRESENTATIONS

- 62 The application has attracted 1 representation which has asked if walking and cycling connectivity with Bridge of Earn can be improved with this proposal. This is addressed in the Appraisal section of the report.

63 ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement/Design and Access Statement	Not required
Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement.

APPRAISAL

Policy

- 64 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 65 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and is identified as a strategic development area. The LDP allocates the site for mixed use development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable. A first phase development of 150 affordable units has already been consented, with 112 built out and occupied on the north western section of the site.

Design and Layout

- 66 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.
- 67 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.
- 68 In terms of site layout, 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 areas. 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. In this case the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a very permeable and well connected site within the approved Oudenarde masterplan site and also with the wider area including Bridge of Earn. In terms of cycling and pedestrian connection it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.
- 69 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 70 The proposal consists of two storey detached, semi-detached, terraced and single storey properties by two developers Taylor Wimpey and GS Brown providing a good mixture of open market housing to a wide variety of potential purchasers. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn.
- 71 In terms of materials, both developers propose a reasonably standard but acceptable palette of materials. Taylor Wimpey proposed a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Browns main finishes of

white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.

- 72 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 73 Overall this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the In Principle permission and will provide a good mix of open market housing types by two developers.

Transport and Access

- 74 Transport Planning having reviewed the proposal, are satisfied that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 75 In terms of car parking the developers have provided in curtilage parking down the sides of houses at the key access points to the site to help reduce the traditional visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking as per Government Policy, Designing Streets, appears to be generally undertaken and is considered to be acceptable.
- 76 A Construction Traffic Management Plan will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic.
- 77 As this is an Approval of Matters Specified by Condition (AMSC) application, Transport Scotland were consulted in error for this proposal. Notwithstanding this they have requested that certain conditions that have been requested in the past to the adjacent employment site at Brickhall Farm are also repeated for this proposal. Their request relates to the detailed and complex planning history of the site and area.
- 78 Whilst the masterplan for the entire site was approved by the Planning and Economic Committee in August 2001, the 'In Principle' Planning Application (02/01482/OUT) was approved by Development Management Committee in October 2002, but subject to the formulation of conditions and the signing of a Section 75 legal agreement. A further report was presented to Development Management Committee in November 2012 to advise that the S75 had not been concluded due to the economic downturn. The report also presented a revised Heads of Terms for the Section 75 and a list of conditions.

- 79 The proposed Heads of Terms relating to Transport included:
- I. Park and Ride/ Rail Halt (Land to be reserved for 12 years)
 - II. Access Works (two roundabouts on the A912 and A912/M90 slip roads) and
 - III. Traffic calming: Bridge of Earn
 - IV. Short Term improvements pending main works
 - V. Clayton Road to footway/ cycle way plus maintain as emergency access
- 80 Reference is also made to the provision of the road bridge over the railway and to be completed before the sale of the 100th mainstream house.
- 81 The proposed conditions included reference to the Heads of Terms of the Section 75 Agreement. However Transport Scotland advise there is no reference to any of the conditions previously advised by them on the masterplan in their consultation response for application 01/01822/OUT, which was never determined because it was appealed on the grounds of non-determination but subsequently withdrawn by the applicant .
- 82 Transport Scotland consultation response to application 08/00610/OUT for the employment land south of the A912 (Brickhall Farm) included two conditions advising that prior to commencement of any development that designs for modifications to the M90 Junction 9/ A912 east and west roundabouts be submitted for approval and that prior to occupation of any part of the development that the approved modifications to the M90 junction 9/ A912 east and west roundabouts shall be completed. Transport Scotland advise that the Decision Notice for 08/00610/OUT did not include these two conditions advised by them.
- 83 The subsequent decision notice for 10/01411/FLL to modify the 08/00610/OUT decision did add the two additional conditions back in that were originally missed to reflect Transport Scotland's consultation response.
- 84 In contrast, the decision notice for 02/01482/OUT issued in September 2016 following conclusion of the Section 75 identifies the infrastructure mitigation only through the Heads of Terms for the S75 Agreement. The Section 75 removes reference to development modifications for the M90/A912 northbound merge and capacity improvements to the A9 Broxden roundabout and introduces the requirement for two roundabouts to be constructed on the M90 slips/ A912.
- 85 Transport Scotland have requested that conditions they recommended for 08/00610/OUT and 10/01411/FLL be imposed for this application.
- 86 Whilst it is regrettable that requested conditions were not included in a past decision but fundamentally they are for a different site and they can still be applied should the employment site at Brickhall Farm come forward. In any event, we have an In Principle planning permission in place with a signed Section 75 legal agreement. It is considered too late in the planning process and unreasonable to try and impose conditions for an Approval of Matters Specified by Condition (AMSC) application for a different development site.

Failing to apply conditions requested by a government agency such as Transport Scotland normally means a planning application is required to be sent to Scottish Ministers to see if they wish to call the application in or return to the Planning Authority to issue its decision. However, the Scottish Government has recently confirmed that there is no referral process in place for AMSC applications to go to Scottish Ministers and therefore a decision notice can be issued by the Planning Authority

- 87 The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact.

Drainage and Flooding

- 88 The site is not located within a recorded area of flood risk. However, because the site topography is very flat and predominantly clay, a Drainage Strategy was submitted by the applicant. Drainage calculations were submitted that included an assessment of the 200 year return period including 20% for climate change.
- 89 The drainage calculations show that the proposed development site is not at risk of surface flooding up to this design standard. What it did show was that other undeveloped phases of the Oudenarde site were at risk of some surface water flooding. Evidence has been provided by the applicant confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 90 The Flood Risk team are therefore content that the current proposal is not at risk of flooding and during the development of future phases additional storage can be accommodated within a suitably designed surface water drainage system/SUDS.
- 91 Scottish Environment Protection Agency (SEPA) also confirm there should be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2 and EP3.

Open Space and Recreation Provision

- 92 The approved masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents and primary school.
- 93 A landscape buffer is proposed along the southern boundary with the A912 and along the western boundary. Within the western boundary landscape buffer a play area is proposed and is consistent with the approved masterplan. Community Greenspace commented that they would prefer to see the play area in a more central position within the current application site.
- 94 However the proposed play area location is consistent with the approved masterplan and will in time be located centrally within this part of the Oudenarde site as there will be another residential phase immediately east of it in the future. It will then be located centrally and will benefit from natural surveillance.

- 95 It is considered that the proposed open space and play area for this phase is acceptable and will be a benefit to future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

Residential Amenity

Overlooking

- 96 None of the proposed residential units will result in an unreasonable level of overlooking due to acceptable separation distances between dwellings and proposed buffer planting along the eastern perimeter of the site.

Overshadowing, loss of sunlight and daylight

- 97 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight-a guide to good practice 1991' sets out guidelines on how to assess the potential impact, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 98 Taking cognisance of the BRE document, the distances between new and existing properties and site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to each property.
- 99 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking.

Ecology

- 100 The Councils Biodiversity Officer is disappointed that some of the structure planting will be lost along the boundary with the A912. Much of this planting has however already been removed and a new landscape buffer is proposed as part of this phase.
- 101 He also recommended that an ecological survey including tree survey be carried out. Even though this is a Matters Specified by Condition application and technically too late in the planning process to request further ecological investigations, the applicants have provided a Habitat Survey. This has been reviewed by the Biodiversity Officer.
- 102 Of note is the presence of a species of Orchid and as some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP), they should be protected. Any Orchids should be translocated, where possible, to an area of the site which will allow them to be retained, such as SUDS area of the development.
- 103 Birds identified at the time of the survey included skylark and snipe, both protected species which nest on the ground. Prior to commencement of development, if during the breeding times of March to August that an ornithological survey will need to be undertaken to identify nest sites of all

ground nesting birds. As the Habitat Survey was undertaken outside of the breeding bird season it is highly likely that other species could be nesting on site and a breeding bird survey will be required to identify species that may be affected and possible nest locations.

- 104 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks. The timing of vegetation clearance, including hedges and ground flora is restricted to a period from 1 September to end of February unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations should also be conditioned into any approval.

Archaeology

- 105 PKHT have confirmed that whilst they have no records the area may contain some archaeology. However as this is an AMSC application it is not the correct stage of the planning process to request archaeological investigations or conditions be applied. However, an informative can be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust.

Waste

- 106 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should adequate space within each property to accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. An informative will ensure the collection of waste will be addressed.

Oil and Gas Pipelines

- 107 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal.

Rail Line

- 108 Network Rail have confirmed that their infrastructure located north of this phase will not be affected by the proposal.

Developer Contributions including Affordable Housing

- 109 This site has planning consent under 02/01482/IPM. The associated Section 75 Legal Agreement determines the Developer Contribution requirement and sets out the payment time scales.
- 110 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association Ltd have planning consent for 150 affordable houses, 112 of these houses are now occupied. GS Brown has transferred further land to Hillcrest Housing Association which can

accommodate a further 150 affordable houses and this will satisfy the affordable housing requirement for the overall development. Affordable housing is not therefore required as part of this phase.

Economic Impact

- 111 According to Homes for Scotland, the development of 159 dwellings is predicted to provide 652 (4.1 per dwelling) jobs (construction and afterwards) and this will impact on the level of in-direct jobs that the construction activity and home owners will generate from spending on local goods and services.
- 112 Once operational it is predicted that new residents should help fill job vacancies and support numerous existing employers in the local area.
- 113 The development of 159 dwellings will provide a significant increase in available expenditure for the local economy 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 159 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £329,107. This expenditure should have a significant positive impact on the local area and its facilities in particular.

LEGAL AGREEMENTS

- 114 This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 115 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

- 116 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks to formally establish detailed development on a strategic site and it is consistent with the objectives of the Development Plan and the approved masterplan for the site.
- 117 Residential development at Oudenarde is a committed development site and allocated in the both the SDP and LDP. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

- 118 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 119 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 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.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any dwelling, all matters regarding access, car parking, 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.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development full details of proposed site boundary openings forming new access onto the spine road shall be submitted to the Planning Authority for further written approval. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be 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.

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any 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 and agreed by the 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).

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

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

- 12 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 unless otherwise agreed in writing with the Planning Authority.

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be incorporated at eaves height.

Reason: In the interests of enhancing environmental quality and of biodiversity

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

Reason: In the interests of enhancing environmental quality and of biodiversity

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the planning authority.

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

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 NOTE

None required

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is later.
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 6 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, 35 Kinnoull Street, Perth, PH1 5GD.

- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 8 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.
- 9 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines
- 10 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 11 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.
- 12 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.

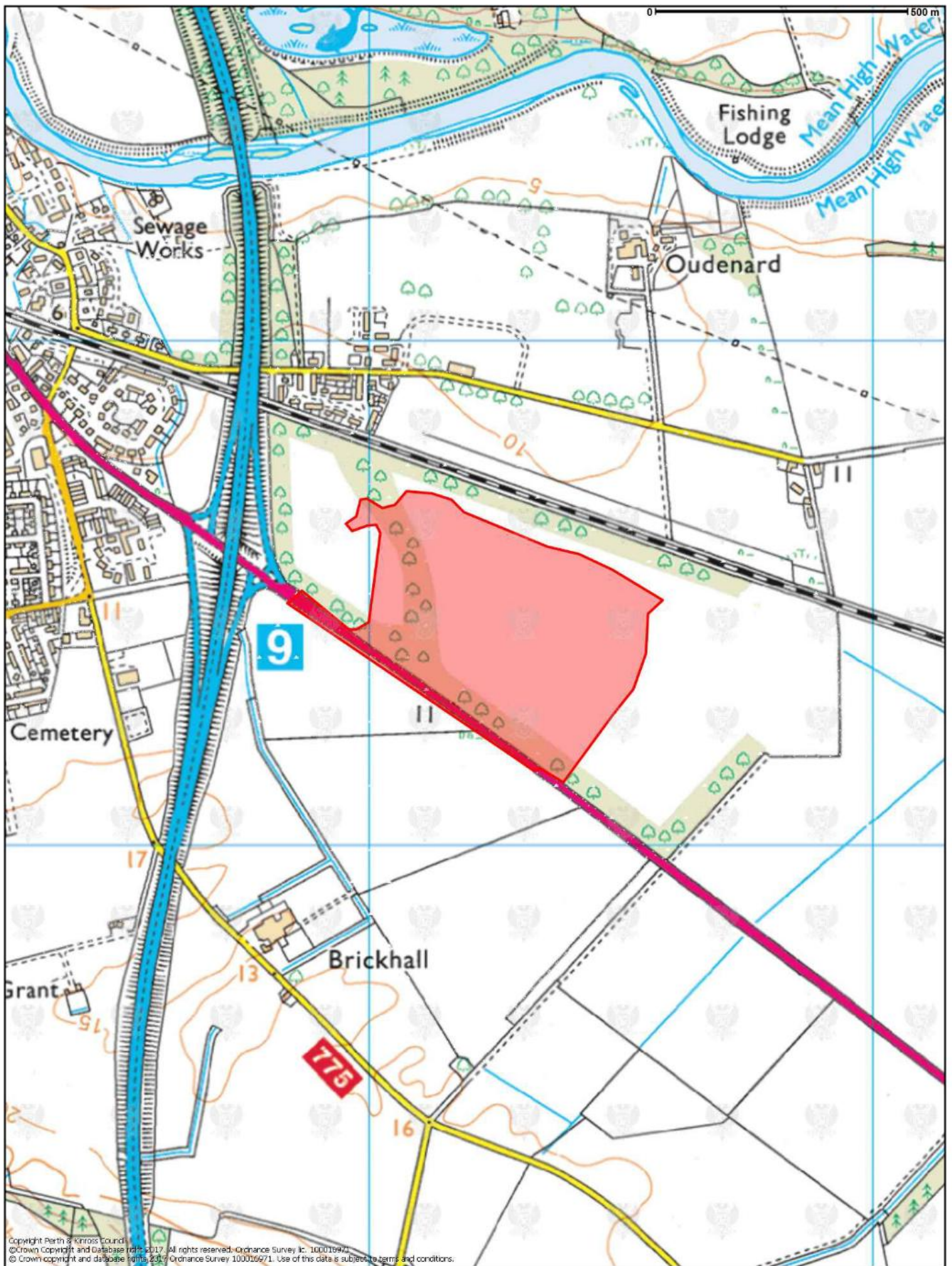
Background Papers: 1 letter of representation
Contact Officer: Steve Callan Ext 75337
Date: 4 October 2017

Nick Brian
Interim Head of Planning

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**Planning & Development
Management Committee**



Scale 1:10000

16/02156/AMM

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at Land To The North Of A912 at Ourdenarde, Bridge of Earn





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**Planning & Development
Management Committee**



Scale 1:5000

16/02156/AMM

**Erection of 159 dwellinghouses with associated
roads, drainage and landscaping at Land To The
North Of A912 at Ourdenarde, Bridge of Earn**



PERTH AND KINROSS COUNCIL

Town and Country Planning (Scotland) Act 1997

Town and Country Planning, Modification of Planning Permission (Land at Oudenarde, Bridge Of Earn, Perth) Order 2020

Considering that it appears to Perth and Kinross Council, as Planning Authority for the Perth and Kinross District (hereinafter referred to as the "Planning Authority") that it is expedient to modify the permission granted by the Planning Authority in favour Mr G Brown, G S Brown Construction Limited approving the planning application for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping at land at Oudenarde, Bridge of Earn, Perth; NOW THEREFORE the Planning Authority, in exercise of the powers conferred on them by Section 65 of the Town and Country Planning (Scotland) Act 1997, HEREBY MAKE THE FOLLOWING ORDER:-

1. This Order may be cited as The Town and Country Planning, Modification of Planning Permission (Land at Oudenarde, Bridge of Earn, Perth) Order 2020.
2. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies to the interpretation of any Act of Parliament.

The Planning Permission, reference 02/01482/IPM, dated 8 September 2016, which approved in principle the formation of residential, commercial and industrial development with associated school provision, open space and landscaping at land at Oudenarde, Bridge of Earn is hereby modified as follows:-

The Direction and Conditions in the planning permission referred to above are deleted and the following is substituted therefor:-

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 (02/01482/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 25 years from date on which the In Principle Permission was granted (8 September 2016).

Reason – This is a modification of planning permission in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Conditions

- 1 No development in connection with any phase of the development hereby approved shall take place until full details of the siting, design, external

appearance and landscaping of the development and the means of access serving the relevant phase of development (hereinafter referred to as the 'Specified Matters') have been submitted to, and approved in writing by the Planning Authority. The Specified Matters include:

- i. an updated phasing and delivery plan;
- ii. a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the relevant development phase, relative to existing ground levels and a fixed datum point; details of all cut and fill operations;
- iii. the siting, design, height and external materials of all buildings or structures within the relevant development phase;
- iv. the details of all accesses, roads, footpaths, cycleways, throughout the relevant development phase and suitable linkages to the wider network;
- v. details of any screen walls/fencing to be provided within the relevant development phase;
- vi. details of all landscaping, structure planting and screening associated with the development of the relevant phase;
- vii. the lighting of all roads and paths within the relevant development phase;
- viii. the layout of any play areas and the equipment to be installed within the relevant development phase;
- ix. full details of the proposed means of disposal of foul and surface water from the relevant development phase.

Reason: To ensure that the matters referred to within this Planning Permission in Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).

- 2 The land use structure, layout of residential areas, landscaping and open space, business uses, community facilities, access and road layout, density of development and scale and design of buildings shall be in accordance with the Oudenarde Masterplan and Design Principles 2001 unless otherwise agreed in writing with the Planning Authority.

Reason - In the interests of visual amenity and townscape/landscape quality.

- 3 Existing trees and hedgerows shall be retained and shall not be removed without the prior written approval of the Planning Authority.

Reason - In the interests of visual amenity and landscape quality.

- 4 Any existing rights of way shall be safeguarded within the completed village and during the construction phase to the satisfaction of the Planning Authority.

Reason - In order to safeguard public access.

- 5 The development shall comprise a maximum of:
- 1,600 mixed residential dwellings
 - 2,400m² GFA Class 1 Retail - Local Shops
 - Primary School (250 pupil)
 - 150 space Park and Ride

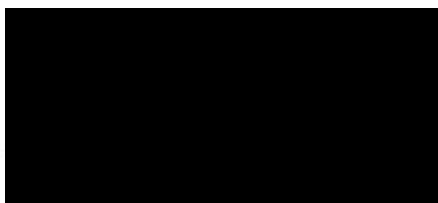
Reason – to define the extent of the permission.

- 6 Not more than 348 residential dwellings shall be constructed prior to completion of modifications to the existing M90 / A912 priority-controlled interchange in accordance with TA Millard drawing numbers 3167/03/418 and 3167/03/419 unless otherwise agreed in writing with the Planning Authority following consultation with Transport Scotland.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

- 7 Not more than 848 residential dwellings shall be constructed prior to completion of modifications to the existing M90 / A912 Northbound merging arrangement in accordance with TA Millard drawing number 3167/03/420 unless otherwise agreed in writing with the Planning Authority following consultation with Transport Scotland.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety: IN WITNESS WHEREOF these presents typewritten on this and the two preceding pages are executed as follows, videlicet:- they are sealed with the Common Seal of Perth and Kinross Council and subscribed for them and on their behalf by Geoffrey David Fogg, one of their Legal Managers and Proper Officer for the purposes hereof all at Perth on the Eighteenth day of May Two thousand and twenty



**TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**MODIFICATION OF PLANNING
PERMISSION (LAND AT
OUDENARDE, BRIDGE OF EARN,
PERTH) ORDER 2020**

2020

Planning :- 02/01482/IPM
Reference

Legal Services
Perth and Kinross Council
2 High Street
PERTH
PH1 5PH

Perth and Kinross Council
Planning & Development Management Committee – 21 October 2020
Report of Handling by Head of Planning & Development (Report No. 20/194)

PROPOSAL: Formation of the Cross Tay Link Road (CTLR) and associated works

LOCATION: A9 over the River Tay to the A93 and A94 north of Scone

Ref. No: [19/01837/FLM](#)

Ward No: Ward 2 – Strathmore; Ward 5 – Strathtay and; 12 – Perth City Centre

Summary

This report recommends approval of the application, as the development is considered to comply with the relevant provisions of the Development Plan. There are no material considerations which are considered to outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to approximately 200 hectares, capturing both permanent and temporary land requirements to deliver the Cross Tay Link Road (CTLR) project. Approximately 80 hectares relates to permanent elements for the road itself, together with the associated infrastructure (SUDS ponds/wetland area, tree planting etc); with a further 40 hectares identified for temporary elements (such as haul roads and temporary compounds). The 80 hectares remaining results from pockets of land between these elements. At almost 6 kilometres in length, the project extends from west of the A9(T) north of Perth (between Luncarty and the Inveralmond roundabout), bridging the railway and River Tay, and continuing east to connect with the A93 and then the A94 north of Scone.
- 2 This development is a major road infrastructure project proposed by Perth & Kinross Council (PKC) and is the second phase (of four) within the Perth Transport Futures Project (PTFP) which it approved in June 2013. The first phase comprised the A9/A85 Junction Improvement and Link Road to Bertha Park (completed in May 2019). Phase 2 (i.e. the CTLR) consists of:
 - 2km of re-aligned trunk road on the A9;
 - A new grade separated junction on the A9;
 - A new bridge crossing the River Tay and Highland Mainline Railway (HMR); and
 - Approximately 6km of single carriageway road connecting the CTLR from the A9 junction with the A94 north of Scone.

In addition to the two roundabouts that form part of the A9 grade separated junction, four new roundabouts are proposed (west to east):

- at Stormontfield Road;
- with the A93;
- at Highfield serving an existing residential dwelling (within Highfield Plantation) as well as Scone North housing site (Perth and Kinross Local Development Plan 2 (2019) (LDP2) allocation H29); and
- at the converge with the A94.

The proposals also include a continuous 3m wide shared cycle/pedestrian path along the southern side of the CTRL itself but separated from the carriageway. A green bridge is also proposed at Highfield Plantation.

- 3 The CTRL is designed to: deliver improved local and regional access for multi-modal transport infrastructure around Perth and, in turn; enable economic growth by releasing strategic development sites for housing and employment; reduce traffic congestion pressure in and around Perth; free up capacity to improve and promote sustainable travel options in line with the Perth City Plan and Phase 4 of the PTFP; and, contribute towards meeting the objectives of the Air Quality Management Area (AQMA). The CTRL is identified as the number 1 priority of the current Perth & Kinross Council Air Quality Annual Progress Report.
- 4 LDP2 makes specific reference to the CTRL, highlighting it as a strategically important project, critical to the delivery of the objectives of the plan. Further, LDP2 also identifies the capacity of roads infrastructure as the single biggest constraint facing Perth, and highlights that the CTRL is part of a package of measures identified to address this. The specific elements of the CTRL project are set out in Chapter 2 of the related Environmental Impact Assessment Report (EIAR). It is estimated that the construction phase will last approximately 2.5 years.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The EIAR was submitted with the proposal (EIA Schedule 2 (Category 10F)) and the development was acknowledged to have potential significant effects, given both the scale of works and site sensitivities. The EIA methodology was progressed through a formal Scoping with PKC (18/01661/SCOP).

PRE-APPLICATION CONSULTATION (PAC)

- 6 The proposal is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such the applicant was required to undertake formal pre-application consultation (PAC) with the local community. The consultation approach was set out in a Proposal of Application Notice and was approved by PKC on 5 August 2019. Public consultation events were held shortly thereafter at Luncarty (21 August 2019), Scone (22 August 2019), Coupar Angus (27 August 2019) and Perth (28 August 2019). In addition, over 90 meetings with statutory, non-statutory and interested parties have been undertaken since September

2017 and are recorded in a 'consultation diary' which forms part of the EIAR. Prior to this an initial round of public exhibitions were undertaken (Spring 2018) at various locations, as set out in detail in the PAC Report.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure and is a statutory document and material consideration in the assessment of any planning application. NPF3 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.

Scottish Planning Policy 2014

- 9 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: Paragraphs 24 – 35
- Placemaking: Paragraphs 36 – 57
- Supporting Business & Employment: Paragraphs 92 – 108
- Enabling Delivery of New Homes: Paragraphs 109 - 125
- Valuing the Historic Environment: Paragraphs 135 – 151
- Planning for Zero Waste Paragraphs: 175 – 192
- Valuing the Natural Environment: Paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: Paragraphs 219 – 23
- Promoting Responsible Extraction of Resources: Paragraphs 242 – 248
- Managing Flood Risk & Drainage: Paragraphs 254 – 268
- Promoting Sustainable Transport & Active Travel: Paragraphs 269 – 291
- Supporting Digital Connectivity: Paragraphs 292 – 300

Planning Advice Notes

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- Circular 1/2017 Environmental Impact Assessment
 - PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - 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 66 Best Practice in Handling Planning Applications affecting Trunk Roads
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 78 Inclusive Design
 - PAN 79 Water and Drainage

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, alongside Creating Places (2013), which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2017

- 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.

Roads for All: Good Practice Guide for Roads Transport Scotland 2013

- 14 Sets out Transport Scotland's requirements for inclusive design in the construction, operation and maintenance of road infrastructure.

Handbook for Cycle Friendly Design Sustrans 2014

- 15 Sets out options for different types of cycle infrastructure and other measures that may be implemented to encourage cycling.

Tactran Regional Transport Strategy (RTS) 2015 (2015-2036 Refresh)

- 16 The RTS seeks to deliver a transport system, shaped by engagement with its citizens, which helps deliver prosperity and connects communities across the region and beyond, which is socially inclusive and environmentally sustainable, and which promotes the health and well-being of all.

National Transport Strategy 2 (NTS2) (2020)

- 17 NTS2 sets out a vision for Scotland's transport system for the next 20 years, focusing on four priorities to support the vision: reduced inequalities, taking climate action, help to deliver inclusive economic growth and improve health and wellbeing.

Historic Environment Scotland's 'Managing Change' guidance series

- 18 Gardens and Designed Landscapes (2016); and
- 19 Setting (2016)

DEVELOPMENT PLAN

- 20 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

TAYPlan Strategic Development Plan 2016-2036 (TAYplan)

- 21 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

- 22 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 8: Delivering the Strategic Development Plan
- Policy 9: Managing TAYplans Assets
- Policy 10: Connecting People, Places and Markets

- 23 The CTRLR is identified in TAYplan as a strategic infrastructure project (Map 10) and is referred to as improving capacity within the Perth Core Area.

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 24 LDP2 was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that: *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 25 The principal relevant policies are:
- Policies 1A & B: Placemaking
 - Policy 2: Design Statements
 - Policy 4: Perth City Transport and Active Travel
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 16: Social, Cultural and Community Facilities
 - Policy 17: Residential Areas
 - Policies 26A & B: Scheduled Monuments and Archaeology
 - Policy 27A: Listed Buildings
 - Policy 29: Gardens and Designed Landscapes
 - Policy 31: Other Historic Environment Assets
 - Policy 37: Management of Inert and Construction Waste
 - Policy 38: Environment & Conservation
 - Policy 39: Landscape
 - Policies 40A & B: Forestry, Woodland and Trees
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 43: Green Belt
 - Policy 47: River Tay Catchment Area
 - Policy 50: Prime Agricultural Land
 - Policy 51: Soils
 - Policy 52: New Development and Flooding
 - Policies 53A, C & D: Water Environment and Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58A & B: Contaminated and Unstable Land
 - Policy 59: Digital Infrastructure
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

SITE HISTORY

- 26 [18/01661/SCOP](#) EIA Scoping request for Cross Tay Link Road (Phase 2) Decision Issued October 2018, scope of EIAR agreed.

- 27 [19/00004/PAN](#) Proposal of Application Notice (PoAN) for Major Infrastructure Project Application - Cross Tay Link Road. Content of PoAN approved August 2019.

CONSULTATIONS

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

External

- 29 **Braco and Greenloaning Community Council** - No response received.
- 30 **Bridgend Gannochy and Kinnoull Community Council** – Object, suggesting that the supporting documents misrepresent facts of the transport modelling; identifying impact on Bridgend residents; and setting out the CTLR is not a fully encompassing Perth bypass.
- 31 **Coupar Angus and Bendochy Community Council** - No response received.
- 32 **Luncarty, Redgorton and Moneydie Community Council** - Object, primarily on the basis that a core path crossing point between Denmarkfield and Redgorton would be lost, but also raising other issues pertaining to active travel and links to core paths.
- 33 **North Inch and Muirton Community Council** - No response received.
- 34 **North Muirton Community Council** - No response received.
- 35 **Scone and District Community Council (SDCC)** - Object, with a detailed 22-page response covering 16 different topics. The issues raised are discussed in the representation section below. An overarching concern sets out the information provided in support of the application is not detailed enough.
- 36 **Tulloch Community Council** - No response received.
- 37 **Historic Environment Scotland (HES)** - No objection, state the proposal does not raise historic environment issues of national significance.
- 38 **NHS Tayside** - No objection. However, raise concerns with regards to the potential health impact from CTLR traffic, particularly if adjacent to any housing or schools. Comments that the CTLR would bisect a community (future housing at LDP2 Site H29: Scone North).
- 39 **Scottish Environment Protection Agency (SEPA)** - No objection, subject to a condition requiring compliance with recommendations and mitigation contained within Chapter 19 of the EIAR.
- 40 **Scottish Forestry** - No objection, clarify the proposals accord with Scottish Government Control of Woodland Removal policy by mitigating proposed woodland loss through planting more than the area lost (EIAR Chapter 14).

- 41 **The Scottish Government** – No comment. Acknowledge the submission as being EIA development.
- 42 **Nature Scot** - No objection, subject to conditions relating to: undertaking the recommendations of the Habitats Regulations Appraisal (HRA); seeking further clarification in relation to impact on Ancient Woodland Inventory (AWI) and any associated remediation/mitigation options; and, encouraging a more holistic approach to the planting strategy to ensure optimal active ecological linkages.
- 43 **Scottish Water** - No objection but identify potential for conflict/impact with their existing infrastructure.
- 44 **Transport Scotland** - No objection.
- 45 **Network Rail** - No objection, subject to a condition ensuring no impact on Network Rail infrastructure, and further consultation at detailed design stages.
- 46 **Perth and Kinross Heritage Trust (PKHT)** - No objection, subject to a condition to control and where necessary record further archaeological potential.
- 47 **Perth Scone Airport** - No response received.
- 48 **RSPB** - No objection, recommend a condition in relation to breeding birds and investigating potential for nesting boxes.
- 49 **Scottish Canoe Association** - No response received.
- 50 **Scottish and Southern Energy Power & Distribution** - No response received.
- 51 **Tay Salmon Fisheries Board** - No response received.

Internal

- 52 **Biodiversity/Tree Officer** - No objection, subject to conditions to ensure appropriate mitigation and management of ecological impacts.
- 53 **Community Greenspace** – No objection. Supportive of the non-motorised user (NMU) approach and the proposed core path re-alignment at the A9 junction. Request a condition requiring further detail of the landscape planting strategy.
- 54 **Environmental Health (Contaminated Land)** - No objection, clarify that records do not raise any concerns regarding ground contamination.
- 55 **Environmental Health** - No objection, subject to conditions to control air quality/dust and noise/vibration during the construction phases, and beyond, through an operational noise management plan (ONMP).
- 56 **Development Plans** - Advise that the CTRL is identified in LDP2 (and in Local Development Plans since 2014) as part of a package of measures to alleviate congestion. Also, that it aims to remove the current constraints on long term

development of the City and improve the levels of air quality within Perth. State that the CTLR is key piece of infrastructure that is integral to delivering the Council's land use strategy for Perth.

- 57 **Flooding** - No objection, confirm that the information provided is adequate on all affected flooding and drainage matters.
- 58 **Structures** - No objection, clarify all Perth and Kinross Council structures will require Technical Approval and adoption requirements to be met.
- 59 **Transport Planning** - No objection, subject to conditions requiring the agreement and undertaking of a post operation monitoring and evaluation strategy, lighting detail and signage strategy.

REPRESENTATIONS

- 60 A total of 49 representations were received, comprising: 47 objections (including SDCC and a late comment from the Woodland Trust); 1 in support; and 1 general comment. These are summarised below:

Objections

- Considered contrary to Development Plan policy;
- Challenging specific elements of the EIAR, including:
 - Vol 1 – Non-Technical Summary;
 - Vol 2 – Environmental Impact Assessment;
 - Outline Construction and Environmental Management Plan;
 - Transport Statement and
 - Chapters, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, and 17;
- Favour a northern route to that proposed, avoiding the subdivision of LDP2 housing site H29;
- Air quality at H29 would be more significantly affected, compared to a northern route;
- Air and noise pollution;
- Concern that reckless overtaking is more likely on the proposed southern alignment;
- Driver behaviour will still result in accessing the A90 via Bridgend;
- Traffic modelling presented is considered inaccurate;
- Multiple concerns over the stopping up of the U88 road at Stormontfield, including emergency access, potential for a 'rat-run' to Blairgowrie and increased use by taxis, winter maintenance services and increasing driving distance to access local services;
- Road safety;
- Loss of trees and woodland included on the Ancient Woodland Inventory (AWI);
- Loss of open space;
- Flood risk;
- Adverse landscape and visual impact;
- Consider 'green bridge' proposed is not in the right place;
- Adverse impact on wildlife and environment;

- Consider no need to provide footway/cycleway above the A9 at Redgorton to Luncarty (Lunc/102 and Lunc/104); and
- Removal of Broxy Kennels Hill Fort site as an important historic site.

Support

- 61 Stating that the CTRLR is long overdue, creating new vehicular access options for people that live in the Western Edge, Inveralmond and further north.

General

- 62 Two parcels of land included as part of the compulsory purchase order (CPO) tend to flood.
- 63 All material planning issues are addressed in the 'Appraisal' section below.

ADDITIONAL STATEMENTS

64	Screening Opinion	EIA Required
	Environmental Impact Assessment (EIA): Environmental Report	Submitted
	Appropriate Assessment	Completed. The conclusions of the submitted HRA (Section 5) is adopted as the Planning Authority Appropriate Assessment
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Planning Statement • Design and Access Statement • Transport Statement • Outline Construction Traffic Management Plan

APPRAISAL

- 65 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. In addition, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies due to the potential impact the development may have on adjacent Listed Buildings, which requires special regard to be given to the desirability of preserving the building or its setting. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies, supplementary guidance and matters raised in representations.

Principle

- 66 TAYplan and LDP2 focus most of the growth within Perth and Kinross on Perth City and its Core area, building upon the city's key role as a regional hub.

- 67 The TAYplan identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross and the prime source of future employment and housing land. Legally, the Local Development Plan must conform with the Strategic Development Plan and the Perth Core Area is key to the LDP2 strategy. The LDP2 strategy pays particular attention to the delivery of strategic development sites to the north-west and north of Perth, as the main driver towards sustainable economic growth and providing a primary source of future employment and housing land during and beyond the plan period.
- 68 It was identified that the biggest single constraint facing the development of the Perth Core Area is and still remains, the capacity of the roads infrastructure and associated congestion and air pollution. The progression of a CTRL has been ongoing for well over a decade, with a Scottish Transport Appraisals Guidance (STAG) undertaken in 2008. The STAG appraisal was the first in a series of work undertaken or commissioned by PKC, in order to give comfort to Transport Scotland and the Council that the wider transport strategy was deliverable. Fundamentally, this all assumed that the CTRL and the wider PTFP would be delivered in full. The CTRL was found to be the essential element allowing the PTFP to progress, ensuring Transport Scotland support for both LDP1 and LDP2 strategies.
- 69 Phase 2 of the PTFP strategic road infrastructure programme (the CTRL) is a key component in the implementation of LDP2 as:
- Its delivery removes a major constraint on future development in and around Perth, allowing future employment and housing needs to be met;
 - The CTRL also forms part of the wider regional transport strategy; and
 - Supplementary Planning Guidance forming part of LDP2 imposes developer contributions to assist in the funding of a package of transport measures required to implement the LDP2 strategy (including PTFP phase 2).
- 70 The CTRL has been a commitment of the LDP since 2014 and has been through a Strategic Environmental Assessment (SEA) as part of the plan making process (both LDP 2014 and LDP2 2019). The CTRL has also been a PKC commitment since formally agreeing the PTFP in June 2013.
- 71 The principle of the CTRL is therefore considered to be established and acceptable in land use terms, with the detail and associated environmental considerations further assessed and set out in sections below.

Design, Form and Route

- 72 The design, environmental parameters and road engineering requirements require careful review prior to coming to a conclusion on their acceptability. This application includes a detailed scheme, following on from the framework set by the identified preferred route, including a finalised route, the form and design of the proposed permanent physical elements and their relationship within both the immediate and wider site context. Considerable study and background work has gone into this, including: A Design and Access Statement and Materials Plan which support the application. The details are however acknowledged as a Specimen Design, with the finalised construction elements being subject to a

Design and Build contract model; the scope of which is supported by the detailed plans and EIAR submitted.

- 73 As noted above, a Design and Build model contract will be followed. This approach is similar to the A9 dualling scheme sections and common with other large infrastructure projects. As such a detailed contract and scope document will be issued to the appointed contractor, incorporating and reinforcing the conditional requirements of any planning permission. Any material departure from the Specimen Design would require to be assessed under a fresh planning application, supported by an updated EIAR.
- 74 The Specimen Design has been developed around key areas, including the proposed Tay Crossing bridge structure, which has been deliberately designed with a low-profile (approximately 20m at its highest point from the bank), to limit impact on the Garden Designed Landscape (GDL). This is considered appropriate in this context, as is the 'green' bridge crossing proposed in the Highfield Plantation section. The green bridge itself is approximately 20m wide, with planting atop its span, including: native trees, shrubs and grasses, all to provide a safe, attractive landscaped crossing for NMUs and wildlife; including deer, badger, fox, pine martin and squirrels.
- 75 The precise engineering details of various elements will be refined prior to the scheme commencement, all to accord with: recommended planning conditions (including Condition 7 relating to Network Rail assets); committed mitigation; the Council Structures Team requirements (Informative 13); and the contractual design specification. The details of any refinements would be assessed to ensure quality, particularly at identified sensitive areas. The development would thereafter continue to be monitored during the construction phase.
- 76 Contextually, there is considered to be appropriate soft and hard landscaping mitigation proposed in relation to the engineered road infrastructure and structures. It is also considered that the design, scale and form of the proposals can be appropriately managed and accommodated within the wider site context through this mitigation. Details for the finishing materials for structures and hard landscaping elements are proposed to be secured through condition (Condition 9). As such the design and layout of the development is considered to comply with Transport Standards, Accessibility Requirements and Public Access objectives of LDP2, thus aligned with LDP2 placemaking Policies 1A and 1B.

Route Alternatives

- 77 EIA regulations require consideration of alternative proposals and a summary of all route options is outlined in Chapter 3 of the EIAR: 'Project Need, Objectives and Alternatives'. This is discussed further below in the appraisal. It is however noted that many representations relate to the final route choice and its passing through a designated housing site (H29 – Scone North). On this issue EIAR Chapter 3 contains detailed discussion on the route alternatives and how the preferred scheme and its alignment was arrived at. In this regard the Design Manual for Roads and Bridges (DMRB) has been followed, and included a

detailed assessment of the scheme, covering: economic, environmental and safety impacts.

- 78 The DMRB Stage 1 for the CTRLR evaluated a number of route corridors and selected a preference. The subsequent DMRB Stage 2 assessed routes within that corridor and identified the preferred route, which was formally approved by Full Council on 14 December 2016. This preferred route was further developed and is the subject of this planning application. Since the submission of this planning application, DMRB Stage 3 has been concluded. The general route corridor was also incorporated into the LDP (2014) as the 'CTRLR band of search' area, identifying that the route crossed through residential designation H29, which currently benefits from Planning Permission in Principle (16/02127/IPM).
- 79 It is noted that the consultation response from NHS Tayside raises concerns regarding the potential health impact on future residents of the Scone North (H29) development, although no comments were received as a result of the consultation with NHST in relation to either LDP1 or LDP2, which identified the CTRLR route passing through H29. This issue of potential health impacts is discussed at paragraph 112 below.
- 80 A later voluntary review of the CTRLR alignment, at the section between the A93 and A94, was undertaken by Perth and Kinross Council (as the applicant) in the Spring of 2019. This considered an alternative alignment further north and is set out in Figure 3.6 of Chapter 3 of the EIAR. This review responded to concerns raised by SDCC in relation to: road safety and air quality affecting the northern portion of the H29 site. The resultant technical comparative assessment undertaken concluded that on balance: the alternative northern route was no better than the preferred route, when considered against all the assessment criteria. The review included a risk-based assessment considering: technical, financial, environmental, economic and legal risks. Overall, the outcome of the review favoured the preferred route, forming part of the H29 allocation and subsequent Planning Permission in Principle. At its meeting on 19 June 2019, the Council decided that; given the outcomes of the technical comparative assessment and the additional considerations that favoured its preferred route, that route should be progressed. This preferred route is what is now presented in this planning application.
- 81 For clarification, the choice of route being pursued has been informed through the EIA process and this is the only route which is being assessed as part of this planning application.

Roads and Access

- 82 A Transport Statement supports the application, along with an Outline Construction Traffic Management Plan. In policy terms, LDP2 Policies 4, 15 and 60B apply in assessing these matters.
- 83 The CTRLR will provide a new river crossing over the River Tay for both NMUs and vehicles, resulting in a key active travel corridor allowing residents and visitors to walk, cycle or wheel (wheelchair, scooter, etc.) across the River Tay, providing direct access to: the wider National Cycle Network, the Core Path

Network, and other cycle paths. The road infrastructure proposed will link the A9(T) with Stormontfield Road, the A93 and A94, providing motorised vehicles an alternative to Perth City Centre. As an integral part of the PTFP, the CTLR will link into the Bertha Park development site (LDP2 Site: MU345) and the recently completed A9/A85 infrastructure scheme (Phase 1 of the PTFP), creating a continuous link from the east side of Perth through to the north, avoiding the city centre.

- 84 The CTLR is considered to bring benefits to Perth City and the wider area, enabling Perth City Centre Enhancement Projects (Phase 4 of the PTFP), including public realm schemes to take place, while providing new and improved access for communities both locally and within the wider area. The CTLR will further allow PKC to lock in benefits with other projects that will reallocate road space to make provision for more sustainable options such as; bus, bike or walking, all encouraging road users to move away from using private motorised vehicles. The CTLR will also provide an alternative route for traffic thus removing the need to travel unnecessarily through the city centre; allowing the enhancement projects to be implemented.
- 85 Following the construction of the CTLR, re-distribution of traffic is anticipated across the wider local road network, encouraging motorists to key routes rather than passing through residential areas.
- 86 Several objections refer to 'stopping up' 250m of the U88 Stormontfield Road, between the proposed new Palace and Racecourse entrance and the A93, resulting in restricting motorised vehicle use of this route. In response, it is considered that the new access onto the CTLR from the Stormontfield Road will give the public a new, safer junction to access the A93. As a result, this junction will no longer be required. Public access for active travel by walking, cycling or wheeling would however remain. The proposed stopping up of Stormontfield Road will require to be subject of a separate legal process, allowing anyone concerned about its closure to put in a formal representation when the Order is promoted. This matter is not considered to be significantly detrimental in the wider context of the planning application nor does it amount to a material reason for refusal.
- 87 A proposed 'park and cycle' site on the redundant section of the A9 is welcomed, giving residents and visitors driving from further afield the option of safe cycle routes into the city centre; providing multiple links into Perth and Scone. The applicant has also proposed solar lighting to be installed along the length of the shared use path, outwith streetlighting areas. An informative is recommended (Informative 16), suggesting the appointed contractor liaise with the Council's Street Lighting Partnership to agree a design that is in accordance with their standards. The parking area also includes provision for electric vehicle (EV) charge points.
- 88 Several representations refer to the absence of a signage strategy and concern that motorists may use Stormontfield Road (which is narrow in places), to access the A93. However, a detailed signage strategy will ultimately be a matter between the applicant and/or appointed contractor and the relevant Roads Authority, rather than something appropriate to be controlled via any

planning permission. An informative is recommended to remind of this issue (Informative 17).

- 89 In order to assist in fully understanding the detailed post construction vehicle operation impacts of the CTRLR and to protect those communities affected, it is recommended that a Monitoring and Evaluation Strategy (MES) be developed and undertaken for the proposed route and the wider local network area (Condition 18). The outcomes from the MES will be reviewed in consultation with the Council's Transport Planning Team.
- 90 In addition and as part of ongoing background monitoring, PKC have also been undertaking traffic surveys at key city centre junctions, monitoring traffic and travel patterns. Surveys undertaken in September 2020 indicated that traffic volumes had increased since the 'Lockdown' baseline of March 2020 and are now moving towards 'normal' levels. The September counts show 86% of the pre-COVID19 traffic volumes passing through the surveyed junctions. Interpeak traffic volume (09.30-15.30) has been much busier in terms of the percentage of traffic returning to the network. In some cases, traffic volumes have returned to pre-COVID19 levels. The flows on Perth Bridge, in the interpeak periods for example, have returned to pre-COVID19 levels and in a 12-hour period (06.30-18.30), 95% of bridge traffic has returned.
- 91 Due to the nature of the design and build approach, an Outline Construction Traffic Management Plan (CTMS) was submitted. This is a robust starting point to develop a comprehensive CTMP once full construction details, as required under other planning conditions, are known (Condition 3).

Public Access

- 92 LDP2 Policy 15 is concerned with public access; including core paths and rights of way and seeks that development proposals do not have an adverse impact on such routes.
- 93 As a consequence of the proposal, various core paths, rights of way and key routes are proposed to be stopped up and/or diverted, as set out in the EIAR, Chapter 13. Overall, 8 paths are identified to be adversely affected by severance and/or impacts on amenity (visual, noise, air quality). On this Luncarty, Redgorton and Moneydie Community Council has made specific objection to the removal of a pedestrian crossing point on the A9 between Denmarkfield and south of Redgorton. At this specific location, core paths are proposed in the application to go either side of, but do not cross the A9. The crossing point being redirected 500m further north, to the proposed 'At Grade' pedestrian crossing. It is considered this proposal will provide a safer crossing arrangement for the limited number of persons using the existing crossing. A further crossing point is also to be provided 500m further south, at the new A9 overbridge, enabling a much safer way to cross the dual carriageway than exists at present. For all existing core paths, rights of way and key routes affected, these have been adequately considered and account is taken of the Council's duties under the Equalities Act 2010.

- 94 Separate to any planning permission granted, there is a formal process relating to the stopping up and diversion of footpaths. This process is consistently progressed following planning permission being issued. An informative is proposed to highlight the requirements of this process to the applicant (Informative 18).

Peripheral Traffic Flows

- 95 It is acknowledged that in terms of peripheral traffic, the CTRLR will not in itself resolve all current and future forecast traffic volumes and associated congestion at the Broxden and Inveralmond roundabouts. At Broxden, queues are predicted to be similar, although the traffic distribution will change. For Inveralmond, there is predicted to be increased queueing on both A9 approaches (but forecast as manageable). In this respect, further investigation and intervention by Transport Scotland (as operator of the Scottish Trunk Road Network) with PKC input is ongoing. This work is in addition to the CTRLR and what has already been achieved by Phase 1 of PTFP through: A85/A9 junction upgrade works; and in association with further local intervention through Phases 3 and 4 of PTFP.
- 96 Overall the proposals are considered to meet the terms of LDP2 Policies 4, 15 and 60.

Landscape and Visual Impact

- 97 It is acknowledged that this extensive development of a strategic piece of roads infrastructure will alter the existing landscape character and visual amenity. In response, a detailed Landscape and Visual Impact Assessment (LVIA) formed part of the EIAR, Chapter 8. In addition, LDP2 policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development, and 42: Green Infrastructure are also relevant considerations.
- 98 The potential impacts on the wider landscape character, local landscape area and specific landscape features were identified, and their significance reviewed in the EIAR. The principal outcomes of the LVIA concluded that the proposal would result in 'significant' adverse landscape effects in 11 of the identified Local Landscape Character Areas (LLCA). In addition, there would be significant adverse effects on 49 visual receptors (locations such as residential properties and paths) in the first year after opening, reducing to 35 locations in year fifteen (once landscape mitigation has matured). These significant landscape and visual effects primarily reflect the quality and largely undeveloped nature of the existing landscape within the project study area. In addition, much of the proposed CTRLR is either in, or visible from Scone Palace Garden Designed Landscape (GDL), and/or the Sidlaw Hills Special Landscape Area (SLA). Other significant effects resulted from the proposed large cutting through the Bertha Park wooded knoll, and the introduction of a bridge across the Highland Mainline Railway and River Tay. In essence, the CTRLR project will add a highly visual bridge structure, main road, junctions, roundabouts and resultant vehicles into an area that is currently largely characterised as an open rural landscape.

- 99 Impacts on more distant receptors were assessed where the CTRL would be partially or fully screened, including: Redgorton, Luncarty, Perth and the existing A9 and A94. These impacts are however not considered significant.
- 100 Given the significant impacts identified, as a minimum, the strategic planting strategy and mitigation commitment set out in EIAR Chapter 19 is required. Further scope for additional planting is identified in EIAR Chapter 8, as 'secondary mitigation'. This would be welcomed to further assist in mitigating the landscape and visual impacts and to address concerns noted by Nature Scot and the PKC biodiversity consultee, both of whom seek to ensure appropriate connectivity and active planting linkages are achieved. This is discussed further in the 'Natural Heritage and Biodiversity' section below and can be controlled through proposed planning conditions (Conditions 4 and 11). Condition 4 includes the requirement for a Landscape Clerk of Works (LCOW) to be appointed, as part of the project delivery and thereafter be retained in a monitoring post for 5 years after opening of the road. In association, further information on the detailed landscaping and planting is being sought (Condition 11). This will seek to ensure detailed planting proposals are appropriate, maximised and enable green links, avoiding green 'island' planting, which can occur where blocks or pockets of planting are proposed, isolated from each other.
- 101 Through conditional control, the proposals are considered to comply with LDP2 Policy 42 and remain in broad accordance with Policy 40A and 40B. Overall, the EIAR acknowledges that even with the committed mitigation measures, including substantial compensatory tree planting, this would not completely avoid, reduce or compensate all predicted significant residual landscape effects down to a non-significant level within the first 15 years after completion. This conclusion of areas of adverse visual and landscape impact is acknowledged, but must also be considered in an overall balancing exercise against other relevant factors, as set out in LDP2 Policy 39, which states:
- "Development should only be permitted where it will not have a significant adverse impact on their special character or qualities, or where these impacts are clearly outweighed by social and economic benefits that are more than of local significance to Perth and Kinross".*
- 102 In this case, the delivery of the CTRL is considered to provide significant social and economic benefits and forms part of a wider regional strategy, satisfying LDP2 Policy 39 criteria. An assessment of these benefits is provided in the Economic & Social Impacts section below.

Green Belt

- 103 LDP2 Policy 43 relates to the designation of the Perth Green Belt and the terms where development would be permitted. Criterion (f) of the policy states that development would be permitted where:

"It constitutes essential infrastructure such as roads and other transport infrastructure."

- 104 The policy criteria goes on to state that consideration must be given to whether the infrastructure could be located at an alternative site out with the Green Belt. In this regard, and as is discussed in part above, a position outwith the Green Belt would see the route diverted northwards (between 1 and 2 km), resulting in reduced social and economic benefits (such as through increased journey times and differing costs) and other environmental impacts to consider and assess. Overall, it is deemed that the search corridor and final proposed route has been subject to robust consideration and assessment, firstly, through the Development Plan process and again through the DMRB process. The CTLR, as proposed in this application, is therefore considered to satisfy the terms of criterion (f) as essential infrastructure and has been clearly designated in LDP2 in tandem with the Green Belt designation, thus resulting in no conflict with LDP2 Policy 43.

Residential Amenity

- 105 LDP2 Policy 1 and Policy 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of light and noise pollution respectively.
- 106 Consideration of the impact on the amenity of affected residential properties has been addressed in this appraisal and within the EIAR, including Chapter 13 and Chapter 17. Direct impact on residential amenity and the objections received relate primarily to air and noise impact, which are assessed below.
- 107 Having considered the associated environmental factors, there will be an unavoidable impact on the existing level of residential amenity in certain locations, which has been acknowledged in the key outcomes of the EIAR (primarily through the construction phases). However, overall, the resulting impact on residential amenity through the operational road except for noise to isolated residential properties (further discussed in noise and vibration below) would be within parameters which would be considered appropriate and not in direct conflict with LDP2 Policies 1 and 17, in relation to residential amenity standards.

Air Quality & Dust

- 108 PKC also has a statutory duty to review and assess levels of certain pollutants within its area, under the Environment Act 1995. In this regard Perth City in its entirety was designated an Air Quality Management Area (AQMA) in 2006 and an Air Quality Action Plan (AQAP) was developed in 2009, attempting to address concerns about levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) particularly at certain locations. LDP2 Policy 57: Air Quality is therefore a material consideration.
- 109 Chapter 6 of the EIAR assesses air quality and recognises that new roads have the potential to bring raised levels of oxides of nitrogen (NO_x), nitrogen dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) to both existing and planned human health and ecosystems. The related assessment modelled seven scenarios along with the cumulative effects of existing and committed developments which are reliant on the road project.

- 110 As a result the EIAR acknowledges that during the construction stage, dust has the potential to affect nearby residential properties but, provided appropriate mitigation measures are implemented, controlled by a Construction Environment Management Plan (CEMP) impacts should be insignificant. A conditional requirement for a detailed CEMP will control these potential air quality and dust impacts at existing sensitive receptor locations during the construction phase (Conditions 2 and 4).
- 111 In terms of operational use of the CTRL, based on the predicted traffic flows, the assessment concludes that there will be beneficial improved air quality at the majority of locations assessed in the Perth AQMA. Where the modelling predicted an adverse impact, the magnitude of change was described as 'Negligible Adverse' for all pollutants, which is not considered significant. LDP2 Policy 57 also sets out that proposals (including mitigation) must not conflict with Air Quality Action Plans (AQAP). The current Perth and Kinross Council AQAP sets out the delivery of the CTRL as a fundamental part of the AQAP intervention measures to pursue. Without it, exceedances are anticipated to continue, both in maintaining the status quo and through anticipated traffic growth. With no intervention, the situation is considered likely to worsen within the AQMA.
- 112 In response to NHS Tayside and local representation concerns, it is acknowledged that the CTRL would, in time, pass through the Scone North (H29) housing allocation. However, it is important to appreciate that any related development (i.e. a new school or housing) in proximity to where the CTRL is proposed have not yet been subject to a detailed planning application, establishing their exact location or design. Such future detailed planning applications will require full consideration and assessment of these issues. Therefore, it is not appropriate at this stage to prejudge the potential impact on either residents and users of such buildings. Rather, potential impacts will be assessed through the application process for these other developments. However, in principle it is considered that there are unlikely to be significant or adverse impacts that cannot be addressed or mitigated in the design and layout of future development phases. Therefore, the CTRL will not prejudice the delivery of future development across the Scone North site. For information, the distance of currently approved Phase 1A of Scone North (18/02231/AMM), is in excess of 850m, from the closest point of the proposed CTRL, and as such does not raise any concerns in respect of air quality in those areas.
- 113 In summary, on the basis that the mitigation measures identified in the EIAR (Chapter 19) are undertaken, along with conditional control (Conditions 2 and 4), the strategic impacts on air quality are overall positive, considered manageable and not significant in terms of EIA and thus would comply with LDP2 Policy 57. It is however accepted that there will be increases in some areas, particularly where there is currently a low baseline.

Noise and Vibration

- 114 Consideration of noise and vibration impact is required through the scope of the EIA, and by Policy 56 of LDP2. Inevitably construction of a new road of the scale, nature and location proposed will increase noise levels at some existing

sensitive receptors. As context, it is to be noted that most people cannot perceive a change in noise of less than 3 decibels (dBA), whereas a 5-dBA increase is perceptible and has been identified in the EIAR as potentially significant.

- 115 The EIAR includes an assessment of noise and vibration (Chapter 12), where the temporary effects during construction have been considered. These are acknowledged as significant at times; however, they are ultimately short-term and will be mitigated as far as practicable through various measures and conditional control (Conditions 2 and 4).
- 116 Otherwise the long-term noise and vibration effects of the CTRL are predicted to be restricted to localised areas. As such, the majority of existing noise sensitive receptors (NSR), such as those close to existing sources of road traffic noise (i.e. from the A9, A93 and A94), will experience negligible or minor adverse and non-significant impacts as set out in both the opening and future years assessments. However, significant adverse effects are predicted at a small number of existing and future NSRs close to the proposed CTRL, where there are currently low background noise levels and thus the predicted change is of a greater magnitude. To mitigate this the benefits and suitability of physical bunds/barriers to reduce the effects of future road traffic noise were considered and are proposed where appropriate. One example is a roadside bund on the north side of the CTRL at Newmains Steadings.
- 117 Given the interdependence between the proposed CTRL and anticipated new residential development, such as H29, the associated additional vehicular trips have been accounted for and assessed as part of the future impact of the proposed CTRL Project; there is therefore no separate cumulative section chapter. Noise has been considered further in Volume 3 of the EIAR providing a more in-depth cumulative effects assessment.
- 118 In summary, the construction and resultant operation of the proposed CTRL project has the potential to cause some significant noise and vibration effects. However, these will be minimised through: the implementation of the CEMP (Condition 2), the appointment of an Environmental Clerk of Works (ENVCOW) (Condition 4), the mitigation measures identified in Chapter 19 of the EIAR (Condition 1), and additional contractual requirements placed upon the contractor. Residual construction noise effects will remain significant at certain times and locations; albeit temporary.
- 119 Beyond mitigation, operational noise impact of the CTRL will remain significant at some identified residential and commercial NSRs, which is in part a result of balancing other environmental considerations, including the HGDL designation and the resultant limitations on engineered mitigations. As such it is considered appropriate to further review the impact on these NSR properties through post completion monitoring, controlled through the proposed conditional requirement for an Operational Noise Management Plan (ONMP) (Condition 5). It is also worth noting that, whilst not a planning consideration, most NSR properties facing potentially significant effects are within the control and ownership of a single landowner. Overall, the majority of NSRs identified within the study area will not experience any significant effects as a result of implementation of the proposed CTRL Project.

- 120 The assessment, conclusion and proposed mitigation proposals of the noise and vibration impacts are considered to be positively balanced and proportionate in relation to the overall scheme, the affected NSRs and the wider environmental considerations. The outcome of the assessment, mitigation and proposed conditional control is considered to be acceptable overall and in accordance with LDP2 Policy 56.

Drainage and Flooding

- 121 EIAR Chapter 15 'Road Drainage and the Water Environment' provides an assessment of the effects of the CTRL on the surface water environment, during both the construction and operational phases. As part of these considerations, the impact on the River Tay, a designated Special Area of Conservation (SAC), is assessed. As a result, one of the most significant identified risks to the water environment and resultant aquatic ecology would be silt-laden and contaminated runoff entering the River Tay SAC. As such, all construction works will be subject to a number of control and management measures, including a SEPA licence for Controlled Activities Regulations (CAR). Furthermore, compliance with Chapter 19 of the EIAR and other associated recommended conditions ensuring that acceptable avoidance and mitigation measures are in place to preserve the integrity of the SAC (Conditions 1, 2 and 4). The Council, as applicants, are also understood to be in liaison with Scottish Water to ensure risks of contaminated runoff are minimised.
- 122 Operational mitigation for both water quality and water quantity impacts as a result of the proposed scheme will be incorporated into the overall design of the drainage system, which includes the use of Sustainable Urban Drainage (SUDS). Both SEPA and the Council's Flood Team are satisfied with the assessment and conclusions of EIAR Chapters 15 and 19. In terms of planning policy, the proposed scheme is considered to assist in delivery of the objectives of NPF3 and SPP as well as complying with LDP2 Policies 52, 53A, 53C and 53D.

Soils

- 123 LDP2 Policy 50 sets out that development outwith settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as a major infrastructure proposal, and that there is no other suitable site available on non-prime land. In this case the site contains prime agricultural land (63.27 Ha directly affected (approximately 30% of overall site)). The background reasons for selecting the location of the CTRL are clearly set out, as discussed above, and as a core aspect of the LDP2 strategy its development is considered to adhere to the intent of Policy 50.
- 124 The EIAR also clarifies that there is no peat and minimal carbon rich soils present. In addition, the overall land take has been minimised, with no farm unit rendered unviable (see EIAR Chapter 14). Measures to manage, protect and reinstate soils have also been set out as development mitigation measures, which can be secured (Condition 8). This approach satisfies the objectives of LDP2 Policy 51.

- 125 Overall, the loss of prime agricultural land is considered necessary and acceptable, as a core part of the LDP2 strategy and when balanced against the wider benefits of the proposed development as a major infrastructure project meeting a specific need.

Conservation Considerations

- 126 EIAR Chapter 7 'Cultural Heritage' captures an assessment of the impacts on all known designated and non-designated cultural heritage assets within the boundary of the proposed CTRL. The baseline included a 250m buffer from the centre line of the CTRL. In addition, extensive geophysical surveys and trial trenching were undertaken over unwooded sections. The study conclusions confirm low potential for unknown assets, with the exception of the following where the potential assets of the specified periods were categorised as moderate:
- Prehistoric assets between the eastern bank of the River Tay and Stormontfield Road;
 - Post-medieval assets between Stormontfield Road and the A93;
 - Prehistoric Roman and early medieval assets in the Blairhall area of compensatory planting; and
 - Prehistoric assets in the Cairnton area of identified compensatory planting.
- 127 Historic Environment Scotland (HES) notes that significant effects have been identified on elements of the Scone Palace Inventory Garden and Designed Landscape as well as the scheduled monument 'Grassy Walls, Roman camp and prehistoric settlement at Sheriffton' (Scheduled Monument Ref: 4072).
- 128 There were also internal and external study areas reviewed as part of EIAR Chapter 7 on all affected designated heritage sites (Figure 7.1). Within the inner study area, there are three category 'B' listed buildings, one category 'C', six scheduled monuments and one Garden Designed Landscape (GDL). In addition, the outer study area sees three category 'A' listed buildings, thirteen category 'B', six category 'C', seven scheduled monuments and one GDL. Overall, HES concluded that they were satisfied that the CTRL proposal had taken account of the historic environment and that the design has been informed and influenced by the historic environment assets in order to mitigate impacts. This includes the setting of Scone Palace itself, an 'A' listed building. Overall, it was accepted by HES that the identified effects had been largely mitigated and, where such impacts remain significant, they were not of national significance.
- 129 The approach and scope of the works alongside the associated mitigation measures identified (Condition 6) are therefore considered satisfactory in terms of the cultural heritage impacts and satisfying the terms of LDP2 Policies 26A, 26B, 27A, 29 and 31.

Natural Heritage and Biodiversity

- 130 The geographic extent of the study area included the footprint of the proposed physical structures, the anticipated construction footprint, and the upstream and downstream reaches of watercourses that may experience significant ecological effects as a result of the construction and operation of the proposals.
- 131 EIAR Chapter 9 and its associated appendix addresses impacts and mitigation proposals for natural heritage and biodiversity. Due to the relationship with the TAY Special Area of Conservation (SAC), a Habitats Regulations Assessment (HRA) was also required to be submitted in support of the application, consistent with LDP2 Policy 38A. This process identified the most significant risk to biodiversity is construction and operation related silt-laden/contaminated runoff entering the River Tay SAC. This would threaten aquatic ecology (freshwater fish and pearl mussel) as well as a priority habitat (running water).
- 132 The HRA Report concluded that through the implementation of proposed mitigation measures, there will be no likely significant effects upon the River Tay SAC. Nature Scot emphasised that the development must fully accord with the HRA requirements. Thus, to ensure compliance with the HRA, a planning condition is recommended, which would include the appointment of an independent Ecological Clerk of Works (Eco) (Condition 4).
- 133 In summary, the relevant habitat regulation tests are considered to have been satisfied and addressed appropriately through assessment and compliance with the mitigation measures of the associated EIAR. Accordingly, it is considered that the potential threat and impact to population, distribution or habitat of protected species can be either avoided or minimised through mitigation and shall therefore not impede the granting of permission.

Nationally Protected Species

Freshwater Pearl Mussels

- 134 A small area was identified suitable for freshwater pearl mussels with 10 living mussels, including one juvenile recorded. In line with the proposed Species Protection Plan, pre-works survey should be undertaken ahead of construction of the development and submitted to the planning authority (Condition 10).

Badgers

- 135 It is understood that three active badger setts (one main and two outlier) are located within the study area, but it was unclear whether any of these setts will be destroyed or disturbed through the development of the CTRL. If a sett is to be destroyed, compensation such as creation of an artificial sett would be addressed by the appointed ECoW, including a required Species Protection Plan.

Red Squirrels

- 136 Twenty-two squirrel dreys were found: 19 in Highfield Plantation and 3 in Coney Wood. The development will result in loss of existing habitat for red squirrels, and the loss of feeding resources has not been directly reflected in the mitigation measures. However, the Council's biodiversity officer is comfortable

that, through appropriate tree species selection of the required landscaping plan to provide squirrel and pine marten boxes, the impact on the loss of habitat and feeding resources can be mitigated (Conditions 11 and 17).

Habitat Connectivity

- 137 Although assessed as a 'minor negative effect', some concern remains regarding severance of hedgerows, resulting in habitat fragmentation and creation of small unconnected 'green islands'. On this issue Nature Scot and the Tayside Biodiversity Action Plan aim to enhance habitat connectivity, to allow species to shift their range considering a changing climate. In general, compensatory planting of woodland and hedgerows should therefore connect habitat wherever possible, with hedgerow species containing native berry and nectar producing species. This can be addressed through ensuring appropriate species mix, connectivity and active travel routes are pursued and maximised, ensuring compensatory planting does not result in isolated islands, cut off from one another (Condition 11).
- 138 Habitat severance, fragmentation of woodland and open habitats and the operational risks of road traffic collisions are predicted to result in residual effects of minor magnitude, which are not significant in EIA terms: to bats, barn owl, pine marten and red squirrel. The proposed mitigation includes provision of safe crossing points, including landscape planting and the proposed Highfield Green Bridge (HGB). The HGB would be delivered at an appropriate stage of the development, which would be verified through a delivery and phasing plan (Condition 2).
- 139 Although common across Europe, green bridges are rare in Scotland and the inclusion of the HGB is welcomed. This intervention will provide connectivity between what would otherwise be fragmented woodland habitats at Highfield Plantation and secure a safe crossing point for mammals. Initial ecological monitoring of the HGB is recommended, which is proposed to be linked to the wider Aftercare Monitoring Plan requirements, as set out in condition 2 and 4 (Condition 21).
- 140 In more general terms, the commitment to Sustainable Urban Drainage (SUDS) basins, ponds and wetlands, designed to have an irregular shape and a diversity of vegetation created by planting vegetation and a mix of permanent and ephemeral water within the ponds is a welcomed biodiversity approach. It is also emphasised that SUDS planting species should be native to Scotland.
- 141 Invasive non-native plant species Japanese knotweed, Himalayan balsam, giant hogweed and rhododendron have been identified in the development area. If left untreated, they are likely to spread which is an offence under the Wildlife and Countryside Act 1981 and a threat to biodiversity. An invasive non-native species control plan is recommended (Condition 2).

Ancient Woodland Inventory (AWI)

- 142 Through LDP2 Policy 40: Forestry, Woodland and Trees, the Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal, with a presumption in favour of protecting woodland resources.

However, where the loss of woodland is unavoidable, taking account of a wide range of factors, mitigation measures in the form of compensatory planting are required.

- 143 Although not legally protected, AWI sites are an important and irreplaceable habitat which the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage. It is accepted that ancient woodland regarded as a UK Biodiversity Action Plan priority habitat type, with high biodiversity value, is to be removed to allow the CTRL and that the effect of this is long-term and irreversible.
- 144 After mitigation, the residual effect of the ancient woodland loss is deemed to be of moderate magnitude, which is significant in EIA terms. The planting of new and additional woodland will see the 12.71 hectares of woodland lost, replaced by 13.67 hectares (approximately 1 hectare gained). Despite the net gain of planting area however, it is acknowledged that the new planting will not fully offset the permanent loss of ancient woodland habitat (given the potential biodiversity found in centuries-old habitat, including soils, dead wood, invertebrate life and seed bank).
- 145 Cumulative effects have also been assessed with respect to four developments: Scone North, Luncarty South, Bertha Park and Almond Valley. With the specified mitigation in place, the potential inter-cumulative effects for biodiversity will be reduced, but the loss of habitat and ancient woodland will result in a significant cumulative effect.
- 146 Both Nature Scot and the Council's Biodiversity Officer consider that further enhancement to the woodland mitigation and compensation currently proposed should be pursued through planning conditions; such as relocating the soils and seed bank from the AWI areas to agreed locations where proposed compensatory tree planting will be located (Condition 11). A further planning condition proposes to secure a detailed survey of the AWI, which will include an assessment of the soil and its seedbank and the potential for transfer (Condition 12). Condition 11 also requires further details on the landscaping, to ensure appropriate species are being proposed, at the right locations and with connected green links; with Condition 13 then looking sequentially at supplementary seed mixes where AWI seedbanks are no longer in existence, viable for relocation or would benefit from additional compensatory planting.
- 147 In summary, subject to the mitigation and potential compensatory measures identified above being secured (Conditions 2, 4, 10, 11, 12, 13, 16, 17, 18, 22 and 23) the proposals will accord with LDP2 Policies 38, 40 and 41 of LDP2.

Developer Contributions

- 148 Developer contributions that have been, and will continue to be, collected under LDP2 Policy 5 and the associated supplementary guidance will contribute to the development costs of this project. The application does not require new contributions under LDP2 Policy 5.

Climate

- 149 Chapter 16 of the EIAR sets out the carbon emissions associated with the construction and operation phases of the CTRL. They are neither forecast nor anticipated to materially affect the ability of either Scottish or UK Governments to achieve their carbon reduction targets and will not cause a significant effect on the global climate. There is also a stated commitment to the continued application of Publicly Available Specification 2080: 2016 (developed by the Construction Leadership Council and the Green Construction Board, PAS 2080: Carbon Management in Infrastructure) throughout the project stages which will seek to ensure continued focus on minimising carbon emissions, as set out below.

Carbon Cost of Construction

- 150 The carbon cost of constructing the CTRL was originally estimated to be approximately +60,000tCO₂e, as documented in Chapter 16 – Climate, of the EIAR. This value comprises of +0.0024% of the 3rd UK carbon budget (2,544 MtCO₂e). When compared with Scotland's annual carbon targets over the equivalent carbon budget period (203 MtCO₂e), CTRL construction emissions comprise of +0.0296%.
- 151 Further refinement of the carbon impact of the CTRL has been undertaken, evaluating the design and through applying PAS2080, as part of DMRB Stage 3 design process, to reduce emissions as far as possible. The refined estimated carbon reductions when compared to the original outline design have reduced from 60,214tCO₂e to 47,308tCO₂e, or 21%. The reduced value comprises of +0.0018% of the 3rd UK carbon budget (2,544 MtCO₂e). When compared with Scotland's annual carbon targets over the equivalent carbon budget period (203 MtCO₂e), construction emissions realistically comprise of +0.0232%.

Carbon Cost of Excess Journeys

- 152 At the opening year (forecast 2024) of the CTRL, it is predicted that there will be a network wide net saving in annual end user emissions of -128tCO₂e, - 0.12%, when compared against the Do Minimum (No CTRL) option. The Transport Statement identifies an increase in average modelled speed to 32.5mph with the CTRL, compared to a value of 28.6mph in the Do Minimum. At the design year (2038) there is predicted to be a minor increase (network wide) in annual end user emissions of +5,560tCO₂e, (+4.74%), when compared against the Do Minimum. It should be noted, that this predicted increase is partially associated with future development in the area, a proportion of which is contingent on the CTRL; and diverted travel, whereby the introduction of the CTRL provides travellers with a more efficient route.

Climate Change Action Plan

- 153 Given the negligible impact of the CTRL on the ability of Scotland and the UK to meet carbon reduction targets, the CTRL is considered justifiable through the benefits it brings in sustainable economic development for the Perth area and the capacity it unlocks in the local road network which facilitates Phase 4 of

PTFP (the aim of which is to drive a shift to greener modes of travel). If the CTLR did not proceed, other significant interventions would be unavoidable, and these would also have associated carbon costs, which would require to be evaluated.

- 154 Overall, the baseline position as set out in the EIAR is deemed acceptable and would not result in significant impact which cannot be managed or offset. The more recent work undertaken in the refinement process following PAS 2080 identifies potential for considerable improvements in carbon reduction overall which is welcomed and reinforces the long-term environmental benefits of the project.

Economic & Social Impacts

- 155 The CTLR site would result in the permanent loss of agricultural and forestry land, which is identified in EIAR Chapter 14 as a 'moderate adverse impact'. Mitigation measures to reduce impacts on agricultural businesses and sporting interests include both temporary and permanent measures:

- relocation of access routes for farm steadings and fields,
- reconnection of field drainage systems,
- reinstatement of boundary features,
- relocation of fishing huts; and
- improvement of existing access tracks.

Overall, it was assessed that the CTLR would not compromise the viability of farming and sporting interests and the residual impact would not be significant.

- 156 Mitigation measures to reduce the impact on woodland and forestry parcels include compensatory planting and creation of new access routes. Bertha Park, (including 'Knockarb Wood') was assessed to have a significant residual impact as a result of the proposed CTLR project, with all other woods expected to have negligible/minor or minor impact.
- 157 EIAR Chapter 17 identifies in the short-term that there will be extensive job, training, volunteering and educational opportunities immediately associated with the construction of the road, related infrastructure and mitigation requirements. Local business may experience short-term adverse impact during the construction phases, but best practice management arrangements as set out in EIAR Chapter 19 will be put in place to accommodate and mitigate for these issues and will be secured as part of any planning permission (Condition 1). These effects are not considered to extend beyond the construction phase.
- 158 Beyond the CTLR, the PTFP plans further phases of infrastructure improvements. Phase 3 involves the delivery of the Bertha Park North Link to the A9 and Phase 4 will deliver other City improvements, facilitating moves towards greener travel in and around Perth as a result of freeing up capacity on the Perth City network; with significantly improved vehicle, pedestrian and cycle access to the north and between the west and east environs of Perth. Phase 4 is only possible if Phase 2, the CTLR, proceeds. The CTLR is therefore

considered to address, in part, the current climate emergency, including an emphasis to provide measures for sustainable travel. The vision is to make the area more appealing for development investment, providing an attractive infrastructure platform for new business moving into the region, supporting existing business and allocated residential housing sites. Consistent with LDP2 planned development, the PTFP therefore seeks to facilitate long term sustainable economic growth.

159 Reduced journey times for commuters and business vehicles will enhance the capability and capacity of existing and potential business operations in the Perth area, with tourism considered to indirectly benefit from improved traffic flow. The outcomes of the EIAR predicted positive residual effects on population and human health overall relating to congestion reductions and the associated traffic-related pollution within Perth City. This is also supplemented by an active travel route along the full length of the CTLR, connecting communities to the north previously cut off by the River Tay and opening up access to the countryside and areas of high landscape value.

160 The following economic benefits have been projected as a result of delivering the CTLR project:

Housing & Land

- Assisting the release of up to 12,000 dwelling units;
- Assisting the release of up to 117 hectares of employment land;

Private Sector Investment

- £966 million of private sector investment across residential and employment uses;

Employment Growth

- 938 person years of construction employment related directly to the CTLR delivery;
- 1,956 net additional person years of construction employment associated with housebuilding and employment land.

161 With an estimated net present value of additional future cash flow (up to 2035) exceeding £500 million, this represents a conservative 4:1 return for every £1 of capital investment, concluding significant added value.

Impacts Summary

162 The assessment of landscape and visual impacts, localised residential amenity (through noise), biodiversity and temporary effects from noise/vibration and air pollution (dust) identified potential for conflict with LDP2 Policy 39, 41, 50, 56 and 57. Of these, other than landscape impacts, the predominant significant effects are concluded to be temporary and experienced during the construction phases only. However, significant economic, health and wider social benefits generated by the CTLR have also been identified. It is considered that these significant benefits will outweigh the significant adverse impacts on the special landscape characteristics.

LEGAL AGREEMENTS

- 163 None required.

PLANNING AUTHORITY WITH AN INTEREST IN THE LAND

- 164 On occasion, as well as being the decision-maker on a planning application, a Planning Authority will have some other interest in the proposed development, for example, as the developer or the owner of the land and this is the case in this instance. While the Council has determined to propose this development, the Planning Authority must still carry out its statutory planning functions without interference. In this case a thorough independent assessment, following all necessary procedures including Environmental Impact Assessment (Scotland) Regulations 2017, has been followed to reach the recommendation in this report.
- 165 Further information on this matter is provided in Scottish Government Circular 3/2009: Notification of Planning Applications. 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. In this regard, this recommendation of approval has been identified to potentially conflict with some aspects of the Development Plan, particularly some detailed policy requirements. However, the proposal is identified in the Local Development Plan, which was subject to a Strategic Environmental Assessment (SEA) and is essential to the plan strategy, as well as being firmly in compliance with other policies and is a local, strategic, and regional objective for delivery. In other cases, the departures are justified in terms of economic, environmental or social benefits. In this case it is considered the proposal does not constitute a significant departure from the Development Plan, and a notification to the Ministers is therefore not required in this instance.

DIRECTION BY SCOTTISH MINISTERS

- 166 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

- 167 In summary, there are significant established and current traffic and air quality issues in Perth City, particularly with the current junctions in the city centre. These act as major constraints not only on the transport network, both regionally and locally, but also as a major constraint to the further development of sustainable economic growth in and around Perth. It has been previously agreed by the Council that the 'do nothing' scenario is not a viable long-term option and therefore the CTLR represents a vital road infrastructure upgrade, as Phase 2 of the PTFP with Phase 1 now in place. The PTFP consists of a suite of transport improvement measures essential for Perth's continued vibrancy, in social and economic terms as a regional centre, allowing all

residents to continue to benefit from a high standard quality of life. The CTLR forms part of the Council's strategy towards imbedding green travel.

- 168 The Perth Core Area is key to the LDP2 strategy and for all development therein, the biggest constraint is the current (and forecast) traffic flows and resultant air quality within the centre of Perth. Development in any quadrant of the core area, impacts on the City Centre. By relieving traffic congestion and pollution from the city centre, the CTLR will increase the potential of the core. The CTLR is therefore key to realising the LDP2 strategy.
- 169 If the CTLR does not happen, there would be significant adverse impacts on the effective housing land supply within the Perth Housing Market Area (HMA) (the effective part is that which is free or expected to be free of development constraints and available for construction). There are currently restrictions on the extent to which sites with planning permissions can be developed and these restrictions, along with the LDP2 embargo (in place for the A93 and A94 corridors), cumulatively reduces the effective housing land supply within Perth HMA by around 4,400 homes (over a third).
- 170 As such, the impact of not progressing the CTLR may have a much more significant impact:
- a. there may be a need for an embargo for sites that do not currently have planning permission to try and maximise the capacity for sites which already have planning permission;
 - b. there may also be difficulty delivering larger, longer-term sites, particularly if development has not commenced yet. Larger strategic development sites need long term certainty.
- 171 Without the CTLR, later phases of multi-phase sites could be beset with doubt, with developers questioning investment where the full potential becomes uncertain. This is anticipated to be an issue for large strategic sites (in and around Perth), resulting in even more significant impact on the effective housing land supply. There is therefore potential for an additional impact from any new embargo and from the resultant market reaction. It is very difficult to quantify the magnitude of this impact, but a worst-case scenario forecasts up to 12,207 dwellings affected; leaving the Perth HMA with only 36% effective land supply.
- 172 The impact on the LDP strategy would not be limited to housing land delivery, as a similar impact would result for Employment Land, as many key development sites in LDP2 require the CTLR to be delivered to facilitate them (For example, over 20 hectares of employment land at Bertha Park is restricted by the current CTLR embargo).
- 173 The overall air quality within Perth AQMA is predicted to improve as a result of delivering the CTLR, reducing existing and future traffic flows within the city centre. Significant economic, health and wider social benefits will also be facilitated by the CTLR. Many of these gains cannot be secured unless the CTLR is delivered. Additionally, the project is an identified essential infrastructure

requirement within LDP2 for the provision of effective housing and employment land supply.

- 174 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Development Plan and material considerations. In this case, it is recognised that there are some policy conflicts with the proposal against certain LDP2 policies. However, officers are content that, having regard to compliance with other LDP2 policies and the significant benefits of the scheme; the development as proposed does not conflict overall with TAYplan2 or LDP2 and, further, that it is not contrary to other national or regional policy and guidance. In addition, those material considerations which do not support the proposal would not justify refusal when considered in relation to the overall compliance with the Development Plan.
- 175 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, including but not limited to the schedule of mitigation measures outlined within Chapter 19 of the Environmental Impact Assessment Report (EIAR) (plan 19/01837/59), unless otherwise provided for by conditions imposed by this permission.

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

- 2 A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topics areas as set out in outline CEMP (plan 19/01837/69) as well as:
- Detailed Phasing and Delivery Plan;
 - Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores;
 - Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off;
 - Environmental Management Plan (EMP) to deal with noise, vibration; and dust, on and off the site and methods of monitoring levels for each;
 - Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary);
 - An Invasive Control Plan (ICP) detailing the control of all four invasive plant species identified;

- An Aftercare Monitoring Plan (AMP) providing a methodology for progressive restoration proposals for all habitats, developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration and Landscaping Establishment Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year. For the avoidance of doubt, the AMP will include assessment of the success or failure of landscaping required by Condition 10, the ICP and appropriate recommendations;
- A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during monitoring.

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

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

- 3 In association with Condition 2, a minimum of two months prior to commencement of development, a detailed Construction Traffic Management Scheme (CTMS) shall be submitted to the Council as Planning Authority for approval in writing, in consultation with the relevant Roads Authority which shall include the following:
 - a) restriction of construction traffic to approved routes and where practicable measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the public road;
 - g) arrangements for cleaning of public roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic (including temporary traffic lights and plant crossings) in order to provide safe access for pedestrians, cyclists and equestrians;
 - i) details of information signs to inform other road users of construction traffic;
 - j) co-ordination with other significant developments known to use roads affected by construction traffic;
 - k) monitoring, reporting and implementation arrangements; and

- l) arrangements for dealing with non-compliance.

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

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

- 4 In association with Condition 2, the development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the applicant's expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration of the construction elements of the proposed development. The E/L/EnvCoW shall have responsibility for the following:
- a) Overseeing compliance of the Construction Environmental Management Plan (CEMP) required by this permission;
 - b) An empowered watching brief and involvement in decisions over key development stages, directing the micro-siting of significant elements of the scheme to minimise impact on natural and/or cultural heritage and visual amenity. The CEMP is a 'live' document which must remain effective throughout the duration of construction and could be subject to change. The document control of the CEMP must set out the reason for the change, clearly identifying what has been changed and that it has the relevant Clerk of Works sign off;
 - c) Authorisation to stop or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the CEMP shall be submitted to the Council as Planning Authority.
 - e) Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable;
 - f) Providing an ecological/landscape and environmental input to the Site Induction of all operatives with updates provided as necessary;
 - g) Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans;
 - h) Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor;
 - i) Throughout the construction phase and within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority and consultees as considered appropriate;
 - j) Throughout the construction phase, monthly CEMP liaison group site visit and meetings to be attended by E/L/EnvCoW, contractor representatives, and open invitation to the Planning Authority and consultees as considered appropriate;

- k) Upon completion of construction elements, the E/L/EnvCoW can thereafter reduce visits to bi-annual (spring and autumn) to inform the AMP and assess ongoing development impact up to a period of 5 years post completion;
- l) Upon completion of construction elements, the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders;
- m) Monitor implementation of the Habitats Regulations Assessment (HRA) (plan 19/01837/76) to be undertaken and followed throughout the construction period for the affected areas of the development.

The above shall be adhered to throughout the construction and aftercare monitoring phases of the development hereby approved.

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

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

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

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

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

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

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

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

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

- 9 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and hard landscaping shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use any part of the development, whichever is the earlier.

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

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

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

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

The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) following completion of any agreed phase of the development. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and secure enhanced biodiversity opportunities.

- 12 In association with Condition 11, a detailed site investigation of the affected Ancient Woodland Inventory (AWI) shall be undertaken with findings and recommendations submitted for written approval by the Council as Planning Authority, in consultation with Nature Scot, prior to any soil clearance or disturbance and shall include:
- a) a review of optimal areas for topsoil translocation in accordance with best practice;
 - b) details of any areas of existing ancient woodland that are to be enhanced as a compensatory measure;
 - c) identification of any potential non AWI woodland where enhancement management as a compensatory measure is proposed.

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

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

- 13 In association with Conditions 11 and 12, prior to the commencement of development, within agreed locations of compensatory woodland planting and where Ancient Woodland Inventory (AWI) soil relocation is not viable or sufficient (in biodiversity characteristics), details of supplementary site-specific seed mixes (including volumes) of local provenance shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Nature Scot . Thereafter any compensatory seed mix schemes as agreed will be implemented at the earliest opportunity and prior to the operation of the development.

Reason - To ensure the satisfactory compensatory planting and mitigation measures are secured and delivered and in the interests of securing enhanced biodiversity outcomes.

- 14 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays unless by prior agreement. Any proposal for out of hours work must provide two weeks prior notice and must be accompanied with details of the works, justification and copies of notification of nearby sensitive receptors.

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

- 15 In association with Conditions 1 and 4 and for the avoidance of doubt; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.

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

- 16 Prior to the commencement of development hereby approved, details of the location and specification of the red squirrel and pine marten boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the red squirrel and pine marten boxes shall be installed in accordance with the agreed details prior to the completion of this project.

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

- 17 Prior to the commencement of development hereby approved, a physical structure review and bird box opportunity plan shall be submitted for the further written agreement of the Council as Planning Authority, in consultation with RSPB. The review shall set out practical opportunities for provision of bird boxes on physical structures. Thereafter, any agreed bird box locations and specification shall be installed in line with the agreed details prior to the completion of this project.

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

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

Reason - In the interests of road safety.

- 19 In association with Condition 5, upon completion of the development, noise monitoring shall be undertaken by a suitably qualified noise consultant at noise sensitive receptors as set out in the ONMP and approved by the Planning Authority. An addendum to the ONMP shall be submitted within 3 months of the development being brought into use to demonstrate the effectiveness of the ONMP in reducing the effects of road traffic noise generated by the scheme at noise sensitive receptors. In the event that the mitigation measures are unsuccessful, the post construction ONMP addendum shall review and provide further mitigation works as agreed and a timescale for those works to be undertaken. The agreed addendum will thereafter be implemented in full.

Reason - In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

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

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of

the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.
 - 6 The appointed contractor should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 - 7 The appointed contractor is advised to contact Scottish Water prior to the commencement of works to clarify and agree the scope and detail of any works which may affect Scottish Water assets.
 - 8 Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
 - 9 Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
 - 10 The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges (DMRB).
 - 11 Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
 - 12 The appointed contractor must contact Network Rail Asset Protection Engineers in relation to Condition 7. It should be noted that where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Contact details:

Network Rail Asset Protection Engineer

151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk

- 13 The appointed contractor is advised that all Perth and Kinross Structures Technical Approval and adoption requirements shall be met.
- 14 The appointed contractor is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
- 15 The appointed contractor is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 16 The appointed contractor is advised to consult with Perth & Kinross Council's Street Lighting Partnership to agree on design, specification and situation of all public lighting in advance of any installations.
- 17 The appointed contractor is advised to consult directly with the Roads Authority (Transport Scotland and Perth & Kinross Council) in relation to agreeing a Signage Strategy for the completed Cross Tay Link Road (CTLR). It is recommended that the strategy should include all changes to local road network signs, trunk road network signs, tourist signage, non-motorised user (NMU) active travel signage and timing for implementation.
- 18 The granting of planning permission does not stop the continued right of public access along any existing core path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
- 19 For the purposes of this planning permission the following provide a definition of terms contained herein:
 - Development – All matters pertaining to construction (temporary and permanent), operation and use;
 - Operation – Where any phase or element of the development is brought in to use for the public;
 - Applicant – Roads Infrastructure, Perth and Kinross Council;
 - Stakeholders – Any body, internal or external considered necessary to advise the planning authority. This could include but is not limited to SEPA, Nature Scot, HES, Environmental Health, PKHT, Scottish Forestry and Roads Authority (Transport Scotland in the case of trunk roads and Perth and Kinross Council in terms of local roads);
 - Construction – all matters relative to ground works, civils and structural elements;
 - Contractor – Is the Principal Contractor as defined within CDM regulations.

E Content and Adequacy of the Environmental Impact Assessment

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

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

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

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

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

- Chapter 1 – Introduction
- Chapter 2 – Project Description
- Chapter 3 – Project Need, Objectives and Alternatives
- Chapter 4 – EIA Methodology
- Chapter 5 – Consultation and Scoping
- Chapter 6 – Air Quality
- Chapter 7 – Cultural Heritage
- Chapter 8 – Landscape and Visual Impact
- Chapter 9 – Biodiversity
- Chapter 10 – Hydrogeology and soils
- Chapter 11 – Materials
- Chapter 12 – Noise and Vibration
- Chapter 13 – People and Communities
- Chapter 14 – Agriculture, Forestry and Sporting Interests
- Chapter 15 – Road Drainage and the Water Environment

- Chapter 16 – Climate
- Chapter 17 – Population and Human Health
- Chapter 18 – Residual Effects
- Chapter 19 – Schedule of Mitigation

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

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

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

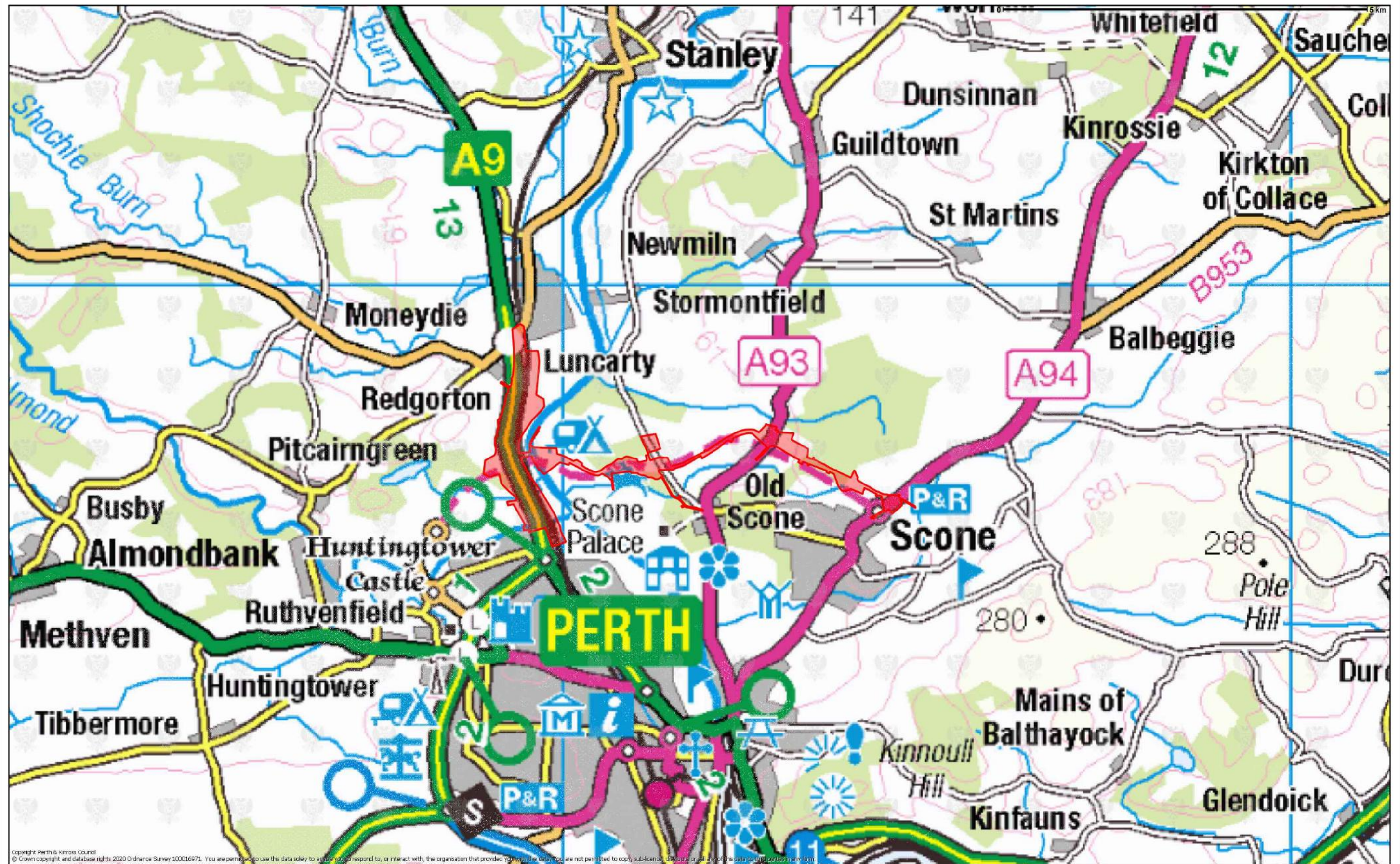
Background Papers: 49 letters of representation
 Contact Officer: Callum Petrie 01738 475353
 Date: 08 October 2020

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

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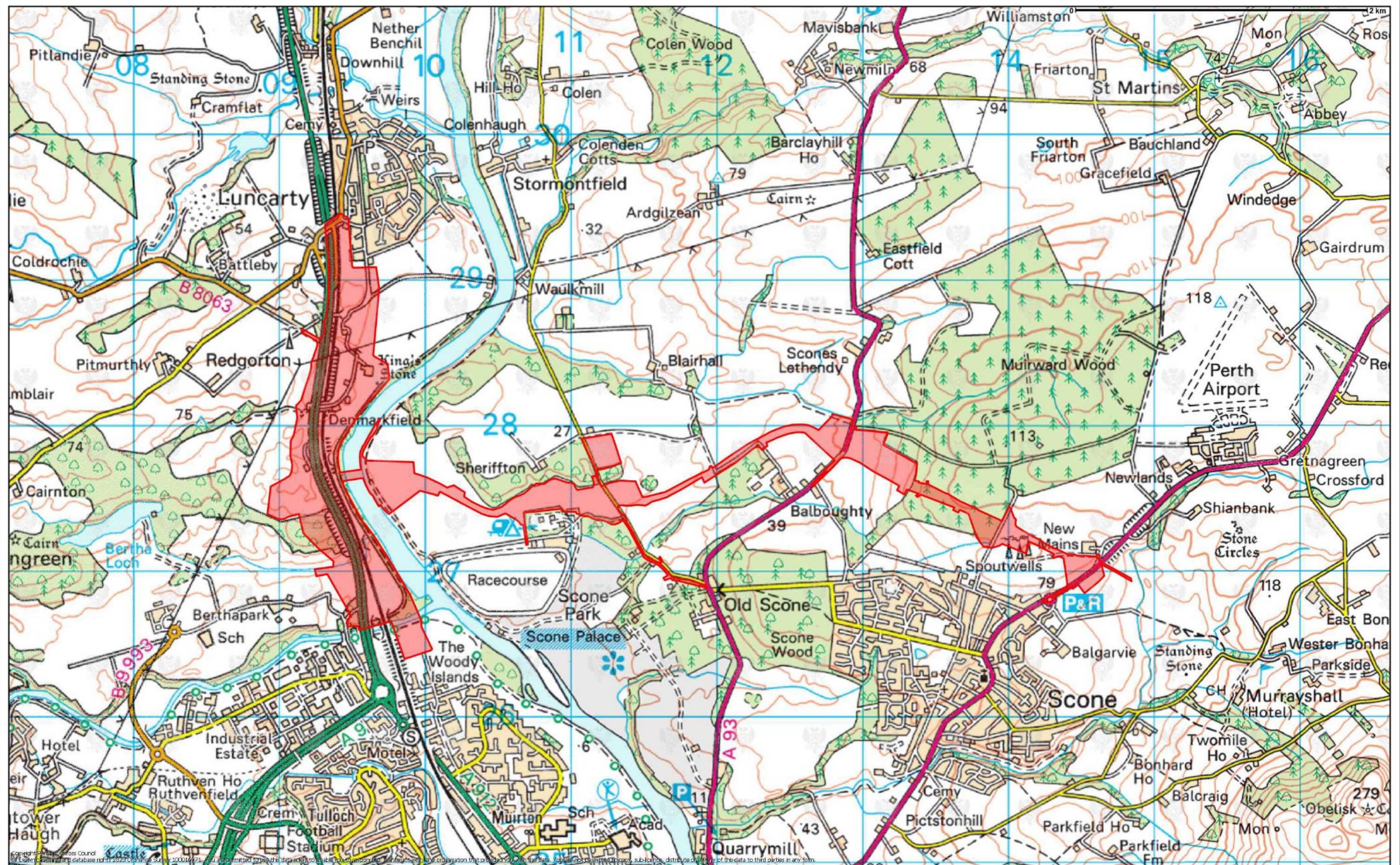
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19/01837/FLM

Formation of the Cross Tay Link Road and associated works A9 Over The River Tay To The A93 And A94 North Of Scone





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19/01837/FLM

Formation of the Cross Tay Link Road and associated works A9 Over The River Tay To The A93 And A94 North Of Scone



