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Council Building
2 High Street
Perth
PH1 5PH

05/09/2022

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 14 September 2022** at **10:00**.

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

THOMAS GLEN
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 Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Hugh Anderson
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Eric Drysdale
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 14 September 2022

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 10 AUGUST 2022 FOR APPROVAL** **7 - 32**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 22/00102/FLM - ERECTION OF 4 REPLACEMENT POULTRY REARING SHEDS, ANCILLARY FACILITIES, FORMATION OF SUDS POND, LANDSCAPING AND ASSOCIATED WORKS, KNAPPILANDS, STRATHALLAN, CRIEFF** **33 - 58**
Report of Handling by Head of Planning and Development (copy herewith 22/216)
- 5(1)(ii) 22/00832/FLM - FORMATION OF A 49MW BATTERY ENERGY STORAGE FACILITY COMPRISING BATTERY STORAGE UNITS, ANCILLARY BUILDINGS, VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED WORKS, LAND 140 METRES NORTH EAST OF JAMESFIELD ORGANIC CENTRE, NEWBURGH** **59 - 80**
Report of Handling by Head of Planning and Development (copy herewith 22/217)

| | | |
|------------------|---|------------------|
| 5(1)(iii) | 22/00746/FLM - FORMATION OF AN UP TO 49.99MW ENERGY STORAGE COMPOUND COMPRISING BATTERY STORAGE UNITS, ANCILLARY BUILDINGS, LANDSCAPING AND ASSOCIATED WORKS, LAND 60 METRES NORTH OF ABERNETHY CEMETERY, NEWBURGH ROAD, ABERNETHY Report of Handling by Head Planning and Development (copy herewith 22/218) | 81 - 104 |
| 5(2) | LOCAL APPLICATIONS | |
| 5(2)(i) | 22/00334/FLL ERECTION OF SHELTER BUILDING AND ACOUSTIC FENCE, FORMATION OF CLAY PIGEON SHOOTING RANGE AND EARTH BUNDS (IN PART RETROSPECT), CRIEFF HYDRO HOTEL, FERNTOWER ROAD, CRIEFF Report by Head of Planning & Development (copy herewith 22/219) | 105 - 120 |
| 5(2)(ii) | 22/00711/FLL ERECTION OF VISITOR CENTRE COMPRISING CRANNOG, ROUNDHOUSE, DEMONSTRATION STRUCTURES, CAFÉ/RETAIL, MUSEUM/OFFICE, CAR AND COACH PARKING, LANDSCAPING AND ASSOCIATED WORKS, LAND 60 METRES SOUTH-EAST OF DRUMMOND HOUSE, KENMORE Report by Head of Planning & Development (copy herewith 22/220) | 121 - 154 |
| 6 | PROPOSAL OF APPLICATION NOTICES (PAN) | |
| 6(i) | 22/00018/PAN RESIDENTIAL DEVELOPMENT, FORMATION OF OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS, LAND 350 METRES NORTH-WEST OF DAVIS PARK, SPRINGFIELD ROAD, KINROSS Report by Head of Planning & Development (copy herewith 22/221) | 155 - 164 |
| 6(ii) | 22/00019/PAN CHANGE OF USE FROM AGRICULTURAL LAND TO FORM EXTENTION TO CARAVAN PARK, LAND 200 METRES NORTH-EAST OF ERIGMORE CARAVAN SITE, ST MARY'S ROAD, BIRNAM Report by Head of Planning & Development (copy herewith 22/222) | 165 - 174 |

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PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in Council Chambers, 2 High Street, Perth on Wednesday 10 August 2022 at 10.30am.

Present: Councillors I Massie, G Stewart, H Anderson, B Brawn, D Cuthbert, E Drysdale, D Illingworth, I James, B Leishman, Bailie C McLaren, Councillors C Reid, R Watters, and Bailie M Williamson.

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

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. No apologies were noted.

2. DECLARATIONS OF INTEREST

Councillors D Illingworth and B Leishman declared a non-financial interest in Item 6(1)(ii) – 21/02249/FLM.

Councillor D Cuthbert and Bailie M Williamson declared a non-financial interest in Item 7(iv) – 22/00017/PAN.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 6 July 2022, be approved.

4. DEPUTATIONS

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

| Planning Application No. | Item No. |
|--------------------------|----------|
| 21/00755/FLL | 6(2)(i) |

5. APPLICATIONS PREVIOUSLY CONSIDERED

- (i) **22/00301/FLM S42 application to remove condition 14 (bus shelter and information board) of planning permission 18/02139/FLM at 37 Angus Road, Scone**

Resolved:

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

Conditions

General

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

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

Finishes

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Landscaping and Biodiversity

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

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

4. Prior to the commencement of development hereby approved, a Site Biodiversity Action Plan confirming the quantity, locations, techniques, timescales and monitoring arrangements of biodiversity enhancement measures recommended in supporting Preliminary Ecological Appraisal by David Dodds Associates Ltd dated August 2021 shall be submitted for the written agreement of the Council as Planning Authority. The submission should clearly show how enhancement measures have been incorporated into design schemes and architects' drawings to ensure they are realised. The scheme as subsequently approved shall be carried out and completed to the satisfaction of the Council as Planning Authority.

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

5. The play park shall be implemented as part of the site development programme and completed in full prior to the occupation of the final dwellinghouse, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of the amenity of the area and to ensure the satisfactory implementation of the play area.

Ground Contamination

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

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

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

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

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

Transport

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing

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

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. 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.
5. 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.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adoped_March21.pdf?m=637647027940470000
8. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
9. 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. In accordance with Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
10. No work shall be commenced until an application for building warrant has been submitted and approved.

6. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **21/02137/AMM Erection of a linked building for agricultural research and development, industry engagement and skills development and formation of roads, parking areas, landscaping, infrastructure and associated works (approval of matters specified by conditions 20/01103/IPM) at The James Hutton Institute, Errol Road, Invergowrie.**

Resolved:

Grant, subject to the following conditions, terms 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. Prior to the use of any lifting equipment including cranes etc the applicant must receive written confirmation from Dundee Airport that aircraft departing and arriving on runway 09/27 will be safeguarded. Furthermore, the applicant must receive written confirmation from Dundee that the use of lights, during construction, shall not dazzle nor distract aircraft preparing to land at Dundee Airport, all to the satisfaction of the Council as Planning Authority.
Reason – To not impact on the operations of Dundee City Airport.
3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In order to safeguard the residential amenity of the area.

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason – In order to safeguard the residential amenity of the area.

5. No part of the development shall be occupied or brought into use, whichever is the earlier, until the applicant has provided the minimum parking provision as shown on drawing number 39 hereby approved, to the satisfaction of the Council as Planning Authority. Once provided, the parking shall thereafter be permanently retained as such for the life of the development.

Reason – To provide a suitable parking provision for the development.

6. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented and available for use for any vehicles travelling to the site, subject to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason – To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

7. No part of the development hereby approved shall be occupied until the Staff Travel Plan (STP) has been updated to reflect the operational situation within the development area identified on drawing number 1, all aimed to encourage more sustainable means of travel. The updated STP shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Transport Planning. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority,

in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

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

Reason – In the interest of proper site management.

9. Prior to the bringing into use of any part of the development hereby approved, the proposed junction

modifications shown on drawing number 40 for the signalisation and improvements to the A85 Riverside Avenue/Main Street junction shall be implemented in full and fully operational, to the satisfaction of Perth & Kinross Council as Planning Authority. Prior to the implementation of the scheme, the relevant written agreements must be sought from Perth & Kinross Council and Dundee City Council as Roads Authorities. Evidence must be provided to Perth & Kinross Council that the relevant agreements from Dundee City Council are in place prior to the works being undertaken. For the avoidance of doubt, the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council. The applicant shall also provide specifications of the provision of Close Circuit Television (CCTV) pole(s), camera(s) and hard line connection to Dundee City Council Urban Traffic Control System (UTC) for written agreement prior to any works being undertaken.

Reason – In the interests of road safety and to provide active travel routes to the development site.

10. Access along core path INGI/8 and Right of Way 52/8, or along the short diversion as specified in drawing number 38 should remain open for responsible access throughout the construction phase. On completion the diversion must be removed and access along the original core path/Right of Way restored.

Reason – To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.

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

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

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning

Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason – To ensure a satisfactory standard of local environmental quality.

12. The conclusions and recommended action points within the supporting Ecological Surveys, Bird Mitigation Plan and Biodiversity Action Plan submitted and hereby approved (drawing numbers 26, 27 and 37) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

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

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

14. The detailed landscaping and planting scheme (drawing numbers 16, 23 and 31) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

Justification

The proposals are considered to remain in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The findings and recommendations contained with the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
7. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Perth & Kinross Council and Dundee City Council, as Roads Authorities, consent to open an

existing road or footway prior to the commencement of works. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

8. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Dundee City Council, in collaboration with Perth & Kinross Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
9. The applicant is advised that if there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required. The granting of planning permission does not stop the continued right of public access along the existing core path or right of way. 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.
10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development [Supplementary Guidance - Flood Risk and Flood Risk Assessments - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/planning-and-building-control/planning-guidance/supplementary-guidance-flood-risk-and-flood-risk-assessments-perth-kinross-council-pkc.gov.uk).
11. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
12. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
13. The applicant is advised that any proposed signage will require a further application to be submitted for

advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

14. 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.
15. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
16. 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. In accordance with Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

HAVING DECLARED A NON-FINANCIAL INTEREST IN THE FOLLOWING ITEM COUNCILLORS D ILLINGWORTH AND B LEISHMAN LEFT THE CHAMBERS.

- (ii) **21/02249/FLM Erection of replacement recreation centre with swimming pool, sports hall, gymnasium, fitness suite, dance studio and ancillary facilities, installation of a substation, siting of sprinkler tank, air source heat pump and bin store enclosures, formation of outdoor sports pitch, parking areas, landscaping and associated works at Blairgowrie Recreation Centre, Beeches Road, Blairgowrie.**

Resolved:

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

General

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

Finishes

2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority.

The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Landscaping and Biodiversity

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

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

4. Prior to the commencement of development, the proposed provision of biodiversity enhancement measures for the site will be submitted for the written agreement of the Council as Planning Authority. Thereafter, they shall be implemented prior to the development being brought into use.

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

Archaeology

5. 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 – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Amenity

6. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the use of the all-weather pitch and recreation centre, including user noise, activity noise and plant equipment and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason – In order to safeguard the neighbouring residential amenity in the area.

7. The hours of operation of the all-weather pitch and the external floodlighting shall be restricted to 0800 hours to 2200 hours daily. The use of the all-weather pitch may have to be curtailed at the beginning and end of this timeframe in order to comply with floodlighting restriction.

Reason – In order to safeguard the neighbouring residential amenity in the area.

8. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In order to safeguard the neighbouring residential amenity in the area.

9. No music amplified or otherwise shall be permitted outside the premises and efforts must be made to minimise the impact of noise from inside the premises so no sound is audible in any nearby residential property.

Reason – In order to safeguard the neighbouring residential amenity in the area.

10. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it

does not adversely affect the amenity of the neighbouring land.

Reason – In order to safeguard the neighbouring residential amenity in the area.

Transport

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

(p) details of HGV movements to and from the site. The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interests of pedestrian and traffic safety.

12. Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. Prior to the operation of the development, the TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason – To encourage sustainable means of travel by site users.

Pitch Specification

13. The new floodlit synthetic pitch (minimum dimensions 106 x 66m) will be designed and constructed by a recognised (e.g., SAPCA* registered) specialist pitch contractor(s). Details of the contractor(s) and pitch specification shall be submitted for the written approval of the Planning Authority prior to the commencement of development.

*SAPCA is The Sports and Play Construction Association (www.sapca.org.uk).

Reason – To ensure appropriate replacement provision is provided.

Drainage

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

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

Sustainability

15. The recreation centre aims to achieve energy savings to a standard equivalent to Passivhaus. Prior to the occupation of the recreation centre building, a statement shall be submitted by the applicant/agent to confirm that

this high level of sustainable building design has been delivered.

Reason – To ensure the proposal complies with Policy 34.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The findings and recommendations contained within the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
6. The proposed demolition and/or 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 authorising the specified activity/development to go ahead. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is

reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.
8. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
9. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
10. 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.
11. 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.
12. 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. In accordance with Regulation 41 the notice must be:
 - i. Displayed in a prominent place at or in the vicinity of the site of the development
 - ii. Readily visible to the public
 - iii. Printed on durable material.
13. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in

section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

14. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the floodlighting of the sports pitch.

COUNCILLORS D ILLINGWORTH AND B LEISHMAN RETURNED TO THE CHAMBERS.

(2) Local Applications

(i) 21/00755/FLL Formation of a cemetery, columbarium, car parking and track, landscaping and associated works at Witches Knowe Wood, Rait

Ms C Morgan, objector to the application, via audioconference, and Mr A Threipland, applicant, addressed the Committee and answered members questions.

Resolved:

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

implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

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

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4. All trees on site, other than those marked for felling on the approved plans, shall be retained.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

Reason – In the interests of 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).

7. Prior to the commencement of the development hereby approved, a plan indicating provision of bird nesting boxes, bricks or tubes shall be submitted along with the timings associated with their installation. Thereafter the approved scheme shall be implemented in line with the agreed timescales.

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

8. Prior to the development hereby approved being completed or brought into use, the existing vehicular access onto the C401 shall be formed with Type B Road construction detail and shall continue into the entrance for

a distance of no less than 6 metres from the boundary of the public road surface.

Reason – In the interests of pedestrian and traffic safety.

9. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason – In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

10. Prior to the commencement of development, the scheduled area shall be appropriately marked out prior to and during site works, using markers placed out with the scheduled area, to prevent inadvertent damage to the scheduled monument.

Reason – In order to comply with the aims of the Scottish Planning Policy; to ensure any archaeological remains are appropriately protected.

11. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. 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 – To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

12. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved. Reason – To ensure existing water and drainage infrastructures are not compromised.

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. 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. In accordance with Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.
6. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires.

We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. 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.
8. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout following Scottish Water feedback.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. An application for Building Warrant may be required.
11. The applicant 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.
12. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

(ii) 22/00803/FLL Change of use from dwellinghouse to holiday accommodation unit Tatha View 4 Braes of Taymouth, Kenmore, Aberfeldy PH15 2HQ

Ms S Kirby, the applicant, was available via audio conference for members questions. There were no questions.

Resolved:

Grant, subject to the following conditions, terms 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 use hereby approved shall be limited to holiday accommodation to the satisfaction of the Council as Planning Authority. The owner of the property shall maintain an up-to-date register of the name of each occupier of the property, their length of stay and their main home address and shall make this information available at all reasonable times to the Planning Authority.

Reason – In order to clarify the terms of the permission; to control and restrict the use of the building.

3. The application be granted for a temporary period of two years.

Reason – To allow embedding of new licensing laws regarding Short Term Lets and in turn aid understanding of volumes of Short Term Lets and impact within the area.

4. Within two months of the date of this permission, a noise management plan indicating how noise attributable to occupants shall be managed and restricted as part of the development shall be submitted for the agreement of the Council as Planning Authority, in liaison with Environmental Health. Thereafter the management plan shall be implemented in complete accordance with the details as so agreed.

Reason – In order to safeguard the neighbouring residential amenity in the area.

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.

7. PROPOSAL OF APPLICATION NOTICES (PAN)

(i) 22/00013/PAN – Extension to Quarry, Balado, Kinross.

Councillor Cuthbert requested due consideration be given to ground water, impacts upon private water supplies and to ensure conditions of previous applications in relation to this site are satisfied.

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

(ii) 22/00015/PAN – Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works at land 90 metres south of 5 Broxden Avenue (E2), Broxden Avenue, Perth.

Bailie McLaren requested that due consideration is given to traffic congestion, surface water, waste management and the core path link.

Councillor James requested consultation take place with Transport Scotland.

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

(iii) 22/00016/PAN – Formation of a 32MW solar farm, 16MW battery energy storage system and associated works at Keithick Farms Ltd, Keithick, Blairgowrie.

Members were advised that the applicant of this PAN has since withdrawn their application. However, as the PAN had been determined by Planning Officers, it must be presented to members for comment.

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

(iv) 22/00017/PAN – Northern lateral extension to quarry with further excavation works, Collace Quarry, Collace.

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

Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/216)

| | |
|------------------|---|
| PROPOSAL: | Erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works |
| LOCATION: | Knappilands, Strathallan, Crieff, PH5 2BG |

Ref. No: [22/00102/FLM](#)
 Ward No: P7 – Strathallan

Summary

This report recommends **approval** of the application which proposes the erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works at Knappilands Strathallan. The proposals are considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning consent is sought for the erection of 4 poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works on a site occupied by 3 large redundant poultry units. Muthill village is located approximately 3km to the North-West. There is an existing unoccupied farmhouse which adjoins the site to the east and within the same ownership as the applicant, however, does not form part of this application. The site is relatively well contained by existing landscape features. A watercourse (Machany Water) occupies the southern boundary of the site with woodland beyond and farmland surrounds the site. The C457 public road and existing farmhouse adjoins the site to the east with an intervening woodland area.
2. Consent was originally granted for the replacement of a farmhouse with a new dwellinghouse and the erection of 4 dwellinghouses in 2007 (07/01501/FUL) which was subsequently renewed in 2012 (12/01699/FLL) and 2015 (15/01141/FLL), however, works have not commenced, and the consent has since expired.
3. This proposal is for a new pedigree lay farm consisting of four poultry buildings holding a maximum of 4,000 birds in each building, a total of 16,000 birds.
4. The submitted supporting statement specifies the site has been chosen for several reasons, which include:
 - Its previous use as a poultry farm, replacing derelict buildings;

- The agricultural setting and its distance from nearby properties (more than 330m away);
 - Benefits from concealment provided by existing woodland and its distance from any residential buildings.
5. The development site area is approximately 2.1ha with each shed measuring approximately 73m in length by 18.5m in width reaching a height of 5m to the ridge.
 6. Access into the site will be taken from the east, via an existing farm access adjacent to the southern boundary of the site. This will be upgraded with adequate space provided for staff car parking and for delivery vehicles on site.
 7. The proposal will create one Farm Manager supported by 3 Team Leaders and 15 full time staff and a Cleaner. The applicant envisages that the staff will be employed locally.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

8. Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
9. This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
10. An EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of flooding, noise, odour, ecology, traffic and transport were required.

Pre-Application Consultation

11. The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential poultry sheds having a floor space greater than 500 square metres. The applicant was therefore required to undertake formal pre-application consultation with the local community.
12. Public concerns raised as part of this process identified access and traffic, odour, landscaping, ecology and wildlife and availability of water supply as being matters not addressed by the consultation events. These matters have

been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.

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 (NPF)

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. This is a statutory document and material consideration in any planning application. It 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 (SPP) 2014

15. The Scottish Planning Policy (SPP) 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

17. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport

Development Plan

18. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

19. 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 plans 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.”

20. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –

- Locational Priorities
- Shaping Better Quality Places
- Developer Contributions
- Energy, Waste and Resources
- Green Networks
- Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

21. The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It sets out a vision statement for the area which includes that.

“By 2036, the TAYplan area will be more 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.” It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.

22. The principal relevant policies are, in summary;

- Policy 1A: Placemaking

- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Placemaking Supplementary Guidance March 2020

23. The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Site History

24. 07/01501/FUL Full planning permission was approved on 4 October 2007 for replacement of existing farmhouse and erection of 4 dwellinghouses on former chicken breeder unit.
25. 12/01699/FLL Full planning permission was approved on 29 October 2012 for renewal of planning consent (07/01501/FUL) to replace existing farmhouse and erection of 4 dwellinghouses on former chicken breeder unit.
26. 15/01141/FLL Full planning permission was approved on 3 March 2016 for renewal of permission 12/01699/FLL for the erection of 4 dwellinghouses and replacement farmhouse.

27. 20/01829/SCRN Proposed poultry farm. Negative screening opinion adopted on 24 December 2020.
28. 21/00013/PAN A 'Proposal of Application Notice' relating to a 'Major' development comprising: erection of 4 replacement poultry rearing sheds and associated works saw PKC confirm on 2 September 2021 that the approach set out in the PAN was accepted.

CONSULTATIONS

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

External

30. **Scottish Water** – No objection. There is sufficient capacity in the Turret Water Treatment Works, however, no foul wastewater or surface water connection. It is noted that there is a water main within the site boundary and as such an informative is recommended.
31. **Scottish Environment Protection Agency** - No objection following receipt of updated Flood Risk Assessment (FRA). Comments noted in respect of Ecology and Regulatory Matters.
32. **Muthill And Tullibardine Community Council** - No response.
33. **NatureScot** – No response.
34. **Historic Environment Scotland** – No comments received.
35. **Perth and Kinross Heritage Trust** – No objection.

Internal

36. **Transport Planning** – No objection subject to conditions to ensure construction traffic is appropriately managed, a detailed design for the proposed secure covered cycle parking facility be submitted prior to commencement of development and the vehicular access to be formed in accordance with Perth & Kinross Council's Road Development Guide.
37. **Environmental Health (Noise Odour)** – No objection. Conditions recommended to control odour, dust and noise.
38. **Development Contributions Officer** - No objection, clarifying that no contributions are required.
39. **Structures And Flooding** – No objection.
40. **Biodiversity/Tree Officer** – No objection, subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.

41. **Conservation Team** – No objection.
42. **Environmental Health (Contaminated Land)** – No objection. Condition recommended to deal with potential contamination on site.

Representations

43. A total of three letters of representation have been received in respect of the current application and one late comment. The main issues raised within the representations are:
- Road Safety Concerns/Traffic Congestion
 - Water Supply
 - Visual Amenity
 - Flood Risk
 - Inappropriate Land Use
 - Noise Pollution
 - Over Intensive Development
 - Dust and Odour
 - Tree Loss
44. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

| | |
|--|--|
| Screening Opinion | Undertaken-Not EIA development |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| Appropriate Assessment | Habitats Regulations: AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | <ul style="list-style-type: none"> • Flood Risk Assessment • Landscape and Visual Context Plan • Ecology Survey/Bat Survey • Dust Emissions Report • Tree Survey Report • Noise Report |

APPRAISAL

45. 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. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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, namely Placemaking Supplementary Guidance March 2020

46. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

47. The proposed development is located on a redundant poultry farm in a rural location approximately 3km South-East of the village of Muthill. Due to its former use as a poultry farm, the principle is already established. The site is surrounded by farmland and trees, offering a level of seclusion and screening and the nearest residential property, out with the applicant's ownership, is approximately 330m away. Due to the nature of the process involved in the production of eggs, the proposed development requires to be in an isolated location. LDP2 Policy 8 Rural Business and Diversification provides support for the creation of new business in rural areas and sites out-with settlement boundaries may be acceptable if they are related to a specific resource opportunity.
48. The development requires to be in an isolated location, however, within close proximity to the transport network. As such the location of the proposed development accords with the objectives of the Local Development Plan providing that the detail planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to traffic implications, landscape and visual impact of the proposal and impact on neighbouring amenity such as odour and noise.

Design and Layout

49. The proposed buildings are similar in terms of scale and layout to other poultry rearing developments by the applicant or other poultry facilities in Scotland. As noted above, the proposed buildings will measure approximately 73m by 18.5m to a height of 5m and will be linked to each other by covered walkways. The poultry buildings will be steel framed with roof and side walls clad in 40mm composite insulated panels, coloured Juniper Green. Additional equipment will include feed stores, an emergency generator, water tanks, LPG tanks and a staff amenity and egg storage building.
50. The existing three buildings on site will be removed and replaced with four buildings which will extend out with the existing site area to the north, over an existing forestry track and agricultural land. To accommodate the buildings, it is proposed to re-route the existing forestry track which will require the removal of an existing hedgerow. The re-routing of the forestry track will be subject of a separate application.

51. The proposed buildings are described by the applicant as “state of the art”, designed to take account of energy saving. High levels of insulation, computer controlled ventilation, energy efficient heating and lighting systems all form part of the design. Their height, colour and materials relate well to the surrounding character of the rural environment. The proposal therefore complies with LDP2 Policy 1 – Placemaking.

Landscape Character and Visual Impact

52. The supporting Planning Statement implies that the landscape impacts of the development would be of minor significance. Moreso the proposed developments seeks to improve the existing quality of the immediate landscape through the removal of the derelict structures and use of muted colours, which are more sympathetic to the natural surroundings.
53. The proposed design and building height within this rural, secluded location respects the site’s topography and skyline as well as the wider landscape character of the area. The poultry buildings are low linear structures, coloured in green to help integrate them into their surroundings. Applying LDP2 Policies 1 and 8, the proposed development is in compliance.
54. In terms of Policy 40 of LDP2, the Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. Compensatory tree planting is required on a ratio of 1:3 for every tree loss as outlined in the PKC Planning for Nature Supplementary Guidance [Planning Guidance - Planning & Biodiversity - Perth & Kinross Council \(pkc.gov.uk\)](https://www.pkc.gov.uk/planning-guidance-planning-biodiversity-perth-kinross-council). The submitted Landscaping Plan provides this detail and the predominantly native species mix is welcomed.
55. The proposed new native hedgerow will compensate for the loss of 120m of hawthorn hedge which cannot be avoided.
56. Applying LDP2 Policies 1, 8 and 40, the proposed development is in compliance, subject to conditions 12 and 13.
57. Furthermore, as noted above, the Council’s Biodiversity Officer has no objections subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.

Residential Amenity

58. The application contains the provision for poultry sheds with a capacity of 16,000 birds. This falls out with the 40,000 poultry threshold for the requirement of Pollution Prevention and Control permit from SEPA. As the proposal is below the PPC (Pollution Prevention Control) threshold, SEPA have no remit in relation to odour, noise or air quality and as such no permit is required. An application such as this, however, has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The site, however, is relatively

isolated with the closest residential property over 300m away (Ladystone Cottage).

Noise

59. A Noise Impact Assessment (NIA) has been submitted by the applicant. The NIA assess the potential impact of noise from the operations of the poultry farm on nearby receptors. Environmental Health (EH) colleagues have been consulted and assessed the potential impact of the proposed development on residential properties in the area and made the following comments.
60. The main source of noise will be from the ventilation fans and although the exact model was not confirmed at the time of the NIA, the extractor fans have the potential to run twenty four hours a day.
61. The other source is from traffic associated with the development and lorry movements will average 33 per 12 month cycle. Egg collection will average 68 per 12 month cycle and deliveries will be 2 per month for feed and fuel.
62. The closest third party residential property, Ladystone Cottage, to the poultry sheds is approximately 330m away. The existing farmhouse is approximately 54m away and will be the residential dwellinghouse for the farm manager.
63. The NIA concluded that there will be a degree of impact on the farmhouse, however, the impact will not be significant. The NIA recommended that as good practice and site management, a noise management plan should be implemented and followed on farm to cover all activities. As a consequence Environmental Health have recommended noise conditions be attached to any consent in the unlikely event that noise should ever become an issue. Additionally, Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of noise.

Dust

64. A dust assessment report has been submitted by the applicant which has been reviewed by the Council's Environmental Health Team. The report concluded that due to the features of the site and the small number of birds the impact on nearby properties, as a result of the poultry farm, is negligible. The report recommends that as good practices and site management, a dust management plan shall be implemented covering all activities associated with the operations of the poultry farm. Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of dust.

Odour

65. The applicant has submitted an odour assessment which has been reviewed by the Council's Environmental Health Team. The report concluded that properties are predicted not to detect odours from the proposed development during the

normal operation of the poultry farm. The report recommends that as good practices and site management, an odour management plan shall be implemented covering all activities associated with the operations of the poultry farm. Environmental Health have recommended a condition on the submission of an Operations Management Plan that shall include plans for the control of odour.

66. Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and odour on residential properties (Conditions 3 – 8). The proposal is therefore considered to comply with LDP2 Policy 56, with no unacceptable impact on the amenity of residential properties.

Contamination

67. The proposed development is on land that was formerly used for poultry farming activities. PKC's contaminated land team were consulted on the proposal and advised that given this former use, historical site investigations and current submitted reports there is the potential for associated contamination. It is therefore necessary to undertake intrusive investigations to assess the potential risk to all potential receptors. Subject to planning condition, the proposal complies with LDP2 Policy 58A (Condition 2).

Roads and Access

68. LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Concerns have been expressed in the letters of representation in respect to road safety concerns and traffic congestion.
69. The Supporting Planning Statement submitted with the application identified both construction and operational traffic movements to and from the site. This has been reviewed by Transport Planning colleagues.
70. The site benefits from an existing access directly from the C458 public road network approximately 40 metres south of the junction with the C457.
71. The applicant has detailed the predicted level of traffic journeys to and from the site throughout the year. The large majority of vehicle movements to and from the site, will be commuting trips with approximately 11 trips to and from the site on a daily basis. There will also be a number of HGV movements associated with normal operations including the delivery of feed, fuel, poultry lorries and egg collection lorries which all average out to be 12-13 HGVs per month visiting the site under normal operations. During the clean out period is anticipated that agricultural vehicles and trailers, including slurry tankers will be used for the removal of poultry litter and wastewater.
72. During the construction phase it is anticipated that the following vehicles will access the site:

- 48 artic lorry deliveries over the course of the construction phase.
 - Approximately 80 concrete delivery loads per building – these will be the most frequent vehicle movements to the site and take place over a seven-week period. These seven-week delivery periods will occur four times over the construction period duration (four poultry buildings on site).
 - All other vehicle movements will be small vans/two axle lorries.
73. The application site is located in a rural area where public transport is infrequent. The applicant, however, has advised that they would ideally like to recruit from the local area, as detailed in Section 2.5 of the Supporting Information. As there is a desire to employ local people for the jobs at the site, there is an opportunity for them to be within a distance that they could cycle to the site. As a result, it is recommended that secure covered cycle parking is provided for any staff who may want to cycle to the site.
74. The applicant is proposing to install a number of car parking spaces within the site, with 13 standard parking bays and one disabled parking bay. The applicant is creating a number of turning areas within the site, which will mean that vehicles will be able to access and egress in a forward facing gear.
75. The Council's Transport Planning Team is content that the proposed vehicular movement is a reasonable appraisal of the traffic impact of the proposal at both construction and operational stage. They will, however, require the existing access to be reformed to meet their standards and have recommended a construction traffic management plan will be required due to the number of narrow roads, on approach to the site, so that the construction traffic can be directed along appropriate roads. This will be controlled by condition.
76. In terms of the proposed relocated forest track as noted on the drawings, progressing with this application for the poultry sheds does not mean that the changes proposed to the forest track will be granted through the planning process. It will require the submission of a separate application.
77. The proposals are considered to be in accordance with LDP2 Policy 60, subject to conditions (conditions 9-11).

Drainage and Flooding

78. The proposed development lies partly within the functional floodplain of the Machany Water, as shown by the SEPA flood mapping. The applicant has submitted a Flood Risk Assessment (FRA) in support of the application and has included detailed hydraulic modelling. The applicant states in the FRA checklist that the proposed development is not within the functional floodplain. This has been reviewed by the Council's Flood Team and SEPA, who noted that the model has not been run for the 200-year event without a climate change allowance. This was raised with the applicant's agent and an updated FRA was provided to include this event which demonstrated that no development would be undertaken within the functional floodplain. As such, no objections were received.

Water Supply

79. Concerns have been raised in the letters of representation regarding potential reduction in the water supply as a result of the proposed development. In terms of the supply to the site, it is mains connected and Scottish Water have confirmed there is sufficient capacity in the Turret Water Treatment Works. It is an existing poultry site so there is existing infrastructure which will be used where possible. The applicant has confirmed best practice and steps to minimise water use such as non-leaking drinking systems e.g. nipple drinkers will be used on site as part of the daily operation. They propose to install storage tanks within sheds where there will be 24 hours of water provided. These will provide a backup supply and can be filled at times of low demand.

Natural Heritage and Biodiversity

80. LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. An Ecological Report was submitted with the application, which was subsequently reviewed by PKC's Biodiversity Officer.

The Ecological Report was not considered adequate insofar as it did not detail the impact of this proposed development on biodiversity and did not set out the required mitigation and compensation measures. Nor did the report contain recommendations for further survey requirements. No evidence was provided that the mitigation hierarchy had been followed and therefore it was not possible to quantify the impact of this proposed development on biodiversity as required by Policy 41. As a consequence, an updated Ecology Report was submitted and reviewed by PKC's Biodiversity Officer which was considered to be sufficient with evidence the mitigation hierarchy has been followed.

81. The site itself is brownfield, with various previously developed areas, including hardstanding, with otherwise rough grassland and some scrub. The submitted Ecology Report notes the presence of otter spraints on the watercourse within the site. Due to this, mitigation measures are required to ensure otters will not be disturbed during the construction and operation of the proposed development.
82. The submitted Ecology Report notes presence of Japanese knotweed but no details on how these will be controlled or eradicated has been provided. An Invasive Non-Native Species Control Plan is required.
83. The submitted Bat Survey Report (27 June 2022) is in accordance with published best practice. The buildings are assessed as moderate but during dusk and dawn surveys undertaken in June 2022, no evidence of bat roosts was observed.
84. It is accepted that, subject to planning conditions, the proposal complies with LDP2 Policy 41 (Conditions 14 - 18).

Agricultural Land

85. The site is identified as Class 3.1 prime agricultural land which is capable of producing a moderate range of crops such as barley, oats and grass. The majority of the proposed development is within the footprint of the existing poultry farm, however, it is proposed to extend the site to the north. Some of which is taken up by an existing farm track. It is proposed to form a new access onto the C457 public road and re-route the farm access around the extended site, however, this will be subject of a separate application.
86. In terms of the extended site, the area of agricultural land measures approximately 7,500sqm. As noted above, some of which is an existing access track. A large proportion of the extended site will incorporate a poultry building, suds pond and hardstanding.
87. Policy 50 sets out that development out-with 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.

It further specifies that small scale development directly linked to rural business may be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and it does not adversely affect the viability of the agricultural unit.

88. All land surrounding the site is identified as Class 3.1 prime agricultural land, therefore, there is no other suitable non-prime land adjoining the site which could be considered as an alternative extension to the site chosen. The reasons for selecting the location are clearly set out in supporting documents and considered reasonable. The area of prime land proposed for development is considered small scale when compared to the extent of remaining prime land available in this location.
89. Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development and as such complies with policy 50 of LDP2.

Developer Contributions

90. The proposed site is located out with any area where financial contributions towards roads infrastructure is required. As such, the Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

91. This development will create up to 20 direct employees and there will be a significant number of downstream economic opportunities associated in terms of the construction period and secondly employment in haulage and the

agricultural supply chain. As such the impact of the proposal on the rural economy at this location is considered to be significantly positive.

LEGAL AGREEMENTS

92. None required.

DIRECTION BY SCOTTISH MINISTERS

93. 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

94. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
95. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

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

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

Contamination

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

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

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

Reason – In order to deal with any potential contamination of the site as a result of its former use.

Residential Amenity

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In order to safeguard the residential amenity of the area.

4. Should any aspect of the development result in verified noise complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for a Noise Impact Assessment by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter any agreed mitigation measures shall be implemented to ameliorate the nuisance.

Reason – In order to safeguard the residential amenity of the area.

5. The poultry buildings shall not be occupied (or otherwise become operational) until an operational plan for the management and control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason – In order to safeguard the residential amenity of the area.

6. No deliveries or uplifting shall take place between the hours of 11.00pm and 6.30am on any day.

Reason – In order to safeguard the residential amenity of the area.

7. Audible vehicle reversing alarms shall be operated on the method that they only emit the warning, if necessary, e.g., on an infrared signal which detects persons to the rear of the vehicle.

Reason – In order to safeguard the residential amenity of the area.

8. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Operational Management Plan must be submitted to the council within a specified agreed timescale.

Reason – In order to safeguard the residential amenity of the area.

Roads and Access

9. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a minimum distance of 15 metres from the edge of the carriageway.

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

10. Prior to commencement of any development on site, a detailed design for the proposed secure covered cycle parking facility for a minimum of 6 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

11. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:

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

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

Reason – In the interest of proper site management.

Landscape

12. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

13. 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.

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

Biodiversity

14. The conclusions and recommended action points within the supporting ecology surveys submitted and hereby approved (drawing numbers 22/00102/29 and 22/00102/30) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

15. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

16. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

17. 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.

18. Lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

96. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being

built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

8. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
9. 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. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.

10. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
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.

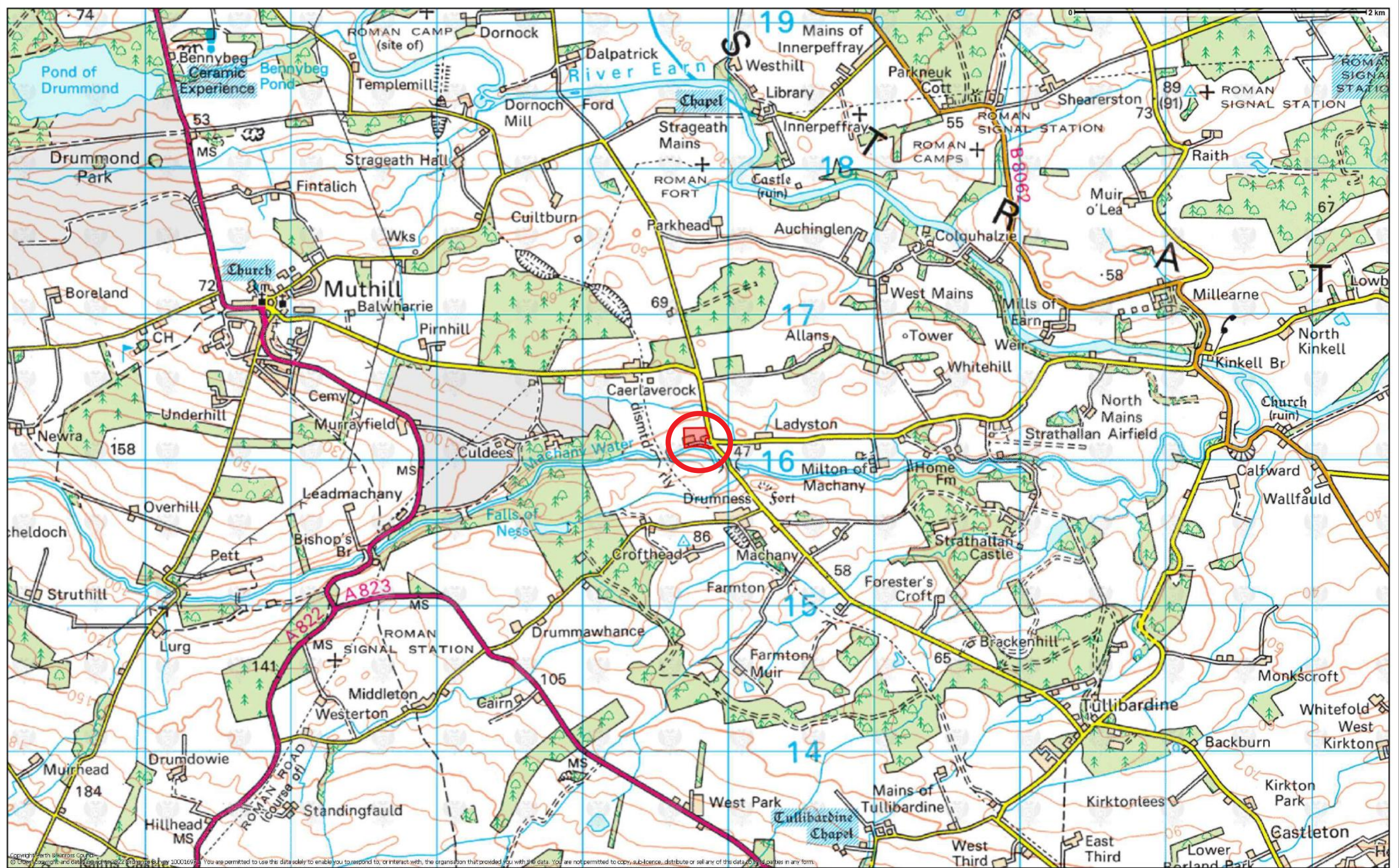
Background Papers: 3 letters of representation
Contact Officer: Gillian Peebles
Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:25000



22/00102/FLM

Erection of 4 replacement poultry rearing sheds, ancillary facilities, formation of SUDS pond, landscaping and associated works Knappilands Strathallan Crieff





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Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/217)

| | |
|------------------|---|
| PROPOSAL: | Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works |
| LOCATION: | Land 140 Metres North-East of Jamesfield Organic Centre, Newburgh |

Ref. No: [22/00832/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application which proposes the formation of a 49MW electrical energy storage facility, including up to 26 battery storage containers and associated infrastructure, including landscaping and vehicle access north-east of Jamesfield Farm Shop. The proposal is considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.0.86 hectares (Ha) in area and largely comprises a storage compound contained within a security fence. The remainder is an access and landscaped areas. All located approximately 140m to the west of the Jamesfield Garden Centre and 80m to the south west of the Jamesfield Farm Shop, close to Abernethy. There is also an existing electrical substation located c.60m to the south west of the site access off the garden centre/farm shop access road. The wider land use beyond the immediate surrounds is in agricultural use. Local topography is generally level, with a slight slope up to the north, whilst to the south the ground rises more steeply beyond Abernethy Road.
- 2 In September 2017, planning permission (Ref: 17/00951/FLM) was granted at this location for a similar 30 MW battery storage facility, vehicular access and associated works. The applicant referred to this development as 'phase 1'. Subsequently, in March 2019, a second planning permission (Ref: 18/02336/FLL) was granted for an additional 19 MW battery storage facility immediately to the north of phase 1 and referred to as 'phase 2'. Both permissions remain extant with works relating to phase 1, namely the access constructed in September 2021. This application now seeks to combine these phases 1 and 2 into a single development, with minor revisions to the site layout.

- 3 In physical terms, the proposals are for 26 containerised storage units containing batteries (10.3 x 1.75 x 3m); 13 transformer units, each 3.5m high; two switch rooms and a Distribution Network Operator (DNO) switchgear room (electrical equipment storage), each 4m high and three auxiliary transformers to a height of 1.7m. In addition, a laydown area is indicated close to the entrance of the compound, where there would be two storage containers of 2.8m in height.
- 4 The battery storage facilities would be enclosed by a 2.4m palisade fence in a green colour. Security cameras and lighting columns, up to 4m in height are also be proposed along the inside of the perimeter fence.
- 5 A significant planting and landscaping scheme is also proposed, to assist with integration of the facility into the wider surroundings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of archaeological, drainage, noise, ecology, traffic and transport and landscape visual impact were required.

PRE-APPLICATION CONSULTATION

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified noise, landscaping and flood risk as being matters not addressed by the consultation events. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with the application.
- 10 The PAC Report notes that two online public events were held, as permitted by the relevant regulations. These online events were held on 10 February and 23 March 2022 both at 6pm, with notice provided to local MPs and MSPs and

Council Members as well as to Abernethy Community Council. Three interested parties attended the events, and a number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

- 11 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 (NPF)

- 12 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 a material consideration in any planning application. It 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 (SPP) 2014

- 13 The current 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. It 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.
- 14 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Delivering Heat and Electricity: paragraphs 152 – 173
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

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

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 17 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 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.”

- 18 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2019

- 19 The Local Development Plan 2 (LDP) was adopted by Perth and Kinross Council on 29 November 2019. It sets out a vision statement for the area, which includes 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.”* It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.

- 20 The principal relevant policies are:

- Policy 1A and 1B Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 8 Rural Business and Diversification
- Policy 26B Scheduled Monuments and Archaeology: Archaeology
- Policy 33A Renewables and Low Carbon Energy: New Proposals for Renewable and Low Carbon Energy
- Policy 33B Repowering and Existing Facilities: Repowering and Extending

- Existing Facilities
- Policy 35 Electrical Transmission
- Policy 39 Landscape
- Policy 41 Biodiversity
- Policy 47 River Tay Catchment Area
- Policy 50 Prime Agricultural Land
- Policy 51: Soils
- Policy 52 New Development and Flooding
- Policy 53A Water Environment and Drainage: Water Environment
- Policy 53C Water Environment and Drainage: Surface Water Drainage
- Policy 55 Nuisance from Artificial Light Pollution
- Policy 56 Noise Pollution
- Policy 60B Transport Standards and Accessibility Requirements

Other Policies

- 21 Perth and Kinross Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- 22 Perth and Kinross Supplementary Guidance: Landscape, February 2020
- 23 Perth and Kinross Supplementary Guidance: Placemaking Guide, March 2020
- 24 Perth and Kinross Planning Planning for Nature, Development Management and Wildlife Guide Supplementary Guidance, April 2022

SITE HISTORY

- 25 [17/00951/FLL](#) Full Planning Permission was granted on 18 September 2017 for the Installation of an energy storage facility, formation of vehicular access, erection of fence and associated works.
- 26 [18/02336/FLL](#) Full Planning Permission was approved on 7 March 2019 for the Installation of an energy storage facility, erection of fence and associated works.
- 27 [22/00004/PAN](#) A Proposal of Application Notice relating to a “major application “ was submitted on the 15 February 2022 for the Formation of a battery energy storage facility comprising battery storage units, ancillary buildings, storage containers, landscaping, erection of fencing and associated works.
- 28 22/00382/SCRN A Screening Opinion was issued by the Planning Authority on 12 April 2022 for the Installation of a 49MW battery energy storage facility, formation of vehicular access, erection of fence, landscaping and associated works.

CONSULTATIONS

- 29 The following parties have been consulted:

EXTERNAL

- 30 **Scottish Water** - No objection. Advisory note that no public sewer and water supply options are available.
- 31 **Perth and Kinross Heritage Trust** - No objection. Advise that the site has already been investigated for archaeological records, with none found.
- 32 **Abernethy Community Council**: No response.
- 33 **Scottish Environment Protection Agency**: No comments.
- 34 **Nature Scotland**: No comments.
- 35 **Transport Scotland**: No objection, subject to conditions regarding the need for further approval of signage, traffic control measures and abnormal sized loads with respect to the use of the Trunk Road. (Conditions 6 and 7).

INTERNAL

- 36 **Biodiversity Officer** - No objection, subject to a condition regarding the implementation of proposed landscaping. (Condition 9).
- 37 **Development Plans** – No objection. The site is identified as prime agricultural land. However, the principle of the development is established through the previous granting of planning permission.
- 38 **Structures and Flooding** – No objection. Informative note requested to direct the applicant to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021.
- 39 **Environmental Health (Noise/ Odour)** - No objection, subject to a condition regarding plant and or equipment noise during construction. (Conditions 2 and 3).
- 40 **Transport Planning** - No objection, subject to a condition to ensure construction traffic is appropriately managed. (Condition 5).
- 41 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

REPRESENTATIONS

- 42 Two objections have been received, with concerns summarised as follows:
- Traffic and Transport Impacts, including impacts on the use of private land
 - Impacts on soils and agricultural land
 - Landscape Impacts
 - Impacts on amenity
 - Noise Impacts
 - Artificial Light

- Impacts on private water supply
- Flooding and Drainage
- Site decommissioning

- 43 The matters raised are addressed in the Appraisal section below, with the exception of comments reflective of impacts resulting from the use of private land to access this site. This is a private civil matter between the applicant and the landowner and cannot be addressed by the Council.

ADDITIONAL STATEMENTS

44

| | |
|---------------------------------------|--|
| Environment Report | Not Required |
| Screening Opinion | Undertaken – Not EIA development. |
| Environmental Impact Assessment | Not Required |
| Appropriate Assessment | Not required |
| Design Statement | Submitted |
| Reports on Impact or Potential Impact | <ul style="list-style-type: none"> • Archaeological Evaluation • Landscape and Planting Report • Landscape and Visual Assessment • Preliminary Ecological Appraisal • Noise Impact Assessment • Battery Fire Safety Management Plan • Drainage Strategy • Construction Traffic Management Plan (CTMP) • Transport Statement |

APPRAISAL

- 45 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. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (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 includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish Energy Strategy (SES) (December 2017), the future of energy in Scotland.

Principle

- 46 The location is a peripheral rural area east of Abernethy, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking,

Policy 8 Rural Diversification, Policy 33A and 33B Renewables and Low Carbon Energy, Policy 50 Prime Agricultural Land and Policy 51 Soils. Furthermore, and a significant material consideration is the existing approved planning permissions for two battery energy storage facilities, which occupy much of the site.

- 47 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets, supporting the strategy principles of the SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, thus decreasing CO₂ emissions. Whilst the development does in this case occupy prime agricultural land, conflicting with the general aim of Policy 50 of LDP2 which seeks to avoid developing prime agricultural land, unless necessary to meet a specific established need. In this respect, the proximity to the electricity grid/connection, gives site specific reasoning for this major infrastructure proposal. Additionally, it is important to account for the important consideration of the extant approved Planning Permissions (17/00951/FLL and 18/02336/FLL). Taking these two factors together sees the development justifiable in this case. However, careful consideration would be required if further intensification was proposed, and additional land take required. The changes from those previously approved developments are otherwise considered acceptable, as set out below.

Design and Layout

- 48 The design and layout essentially reflect the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will essentially be contained below 4m in height. The tallest visible built structures being the switch rooms, DNO Switchgear buildings and the CCTV poles - all c.4m above ground level. Remaining built elements will vary in height but not above this height. The development within the storage compound will be enclosed behind a security fence and landscaping. In these regards the overall scale and height of built structures horizontal massing is more significant than vertical impacts. These aspects are further considered in the landscape and visual impact sections below. Otherwise, physical separation between each container and colour/finishes can be controlled by Conditions 1 and 8.

Landscape and Visual Impact

- 49 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1 and 33. In this instance, as said above the proposed utilitarian design is largely set, thus some landscape and visual impact will result. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides mitigation from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy 33, the cumulative visual impact of the proposal and the existing sub-station should also be taken into account.

- 50 A landscape visual impact assessment (LVIA) was requested, along with a fully detailed structural landscape plan. These were key in assessing if the proposals could be successfully accommodated visually.
- 51 Existing landscape features will be supplemented by robust and comprehensive native planting (plan 22/00832/22) along the site perimeter. The proposed planting is considered sufficient to satisfactorily accommodate the development in the landscape, particularly as any vegetation matures. Some short-term impacts on views over the and across the site may be evident in the interim. Following establishment, it is not considered that there would be unacceptable impact on landscape or visual amenity, with photomontages contained within the landscape and visual impact assessment indicating the predicted situation.
- 52 The proposal is therefore considered to accord with Policies 1 and 33.

Residential Amenity

- 53 The nearest residential receptors are more than 250m away, to the east of the site and are unlikely to be significantly impacted due to the physical distance of separation, low vertical height of the development proposed, minor undulations in local topography and through proposed landscaping by the applicant. However, the Jamesfield Farmshop as well as the Jamesfield Garden Centre are both located within 150m of the main site compound. Although some screening of the development exists from these locations due to existing farm polytunnels some direct impacts, particularly during construction is inevitable.
- 54 PKC Environmental Health (EH) have reviewed the supporting Noise Impact Assessment, including any modelling results, and have not raised any objections with the conclusions drawn, notably that the previous noise restrictions related to the existing permissions can be achieved. Potential noise sources include; air conditioning units, inverter cooling fans, switchgears, transformers, background reactor noise, and construction noise. EH advise a condition setting acceptable limits to all approved plant and or equipment noise output.
- 55 Compliance with the recommended condition see it considered that the development will comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

Lighting

- 56 The impact of artificial lighting has been noted as a matter of concern in representations. However, the use of lighting is to be minimal and primarily for security purposes. Condition 4 can control spillage and limit operation to acceptable levels.

Roads and Access

- 57 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided.

Concern is raised that the adjoining garden centre would see use of its carpark to facilitate access to the site. Comment made that this carpark is busier than in 2018 (when the previous planning permission was last assessed) and as such the use of this space is seen as a safety concern, particularly during construction periods.

- 58 The proposal is to access via the road serving Jamesfield Organic Centre, through the carpark and to the dedicated site access. However, no concerns are raised by Transport Planning, in relation to impacts on the local road network, subject to a condition relating to a Construction Traffic Management Scheme (CTMS). Nor have any concerns been raised the Transport Scotland relative to the use of the Trunk Road, subject to conditions that further agreement may be required for any signage, traffic management and or abnormal loads (Conditions 6 and 7).
- 59 Whilst the use of the parking area to provide site access may see issues requiring of careful mitigation, particularly during the construction period, the identified route appears to be over private ground ownership and falls out with the locus of the Roads Authority. Consequently, it would be for the applicant to negotiate any required right of access over this ground and management of vehicle movements separately from the planning process, as impacts on the parking area are not a material planning consideration.
- 60 Overall, no unsurmountable road and or transport impacts are evident, and subject to a condition regarding construction traffic management, that the development confirms with Policy 60B.

Drainage and Flooding

- 61 Policy 52 requires development to appropriately consider flooding and drainage issues. In this regard, objection raises concerns in respect of drainage impacts beyond the site, as limited details were initially provided of drainage arrangements.
- 62 The applicant has subsequently provided a Drainage Strategy which sets out that the development (including access road) is designed to see free drainage, sufficient to accommodate a 100-year event plus 30% freeboard. No formal runoff from the site is proposed.
- 63 Otherwise, the site is not within a SEPA identified flood risk area and the Council's Flood Hazard and Structures Team do not raise any objection. However, the applicant would be directed to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021.
- 64 The proposals are thus considered to satisfy Policy 52 of LDP2.

Natural Heritage and Biodiversity

- 65 LDP2 Policies 39 and 40 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Plan includes largely native species and contains

several positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy.

- 66 The Councils biodiversity officer has reviewed the proposals and raises no objection, subject to conditions on delivery of the proposed landscaping. As such, subject to Condition 10, the proposal is considered to accord with policies 39 and 40 of the LDP2.

Private Water Supply

- 67 The development is for an energy storage compound in a rural area where there are private water supplies (including Jamesfield Borehole Supply) understood to serve properties in the vicinity. Whilst no specific impacts to private water supply are obvious, a safeguarding condition is recommended requiring that the applicant confirm the location of private water and wastewater infrastructure and any required protective measures are put in place prior to works commencing. This will ensure both that the new development has an adequate and consistently wholesome supply of water (should that be required) and to maintain water quality and supply in the interests of residential amenity. In addition to ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. Otherwise, it should be noted that once the development is operational Perth and Kinross Council Environmental Health Services will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. Further informative notes relative to existing wayleaves and compliance with the Water Scotland Act 1980 are also recommended to be appended to any positive decision notice.

Developer Contributions

- 68 There has been comment in representations that no local benefits would result from the development. However, in planning policy terms, no developer contributions are triggered for this type of development. As a result, the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

Archaeology

- 69 The development proposal has been reviewed by the Perth and Kinross Heritage trust who have not raised any objection to the development, noting the previously consented schemes and previous site assessment undertaken. The development is considered to accord with Policy 26B of the LDP2.

Economic Impact

- 70 In the short term, construction will create jobs, with scope for local employment. Beyond this there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. Support for local renewable energy generation would also result, by helping balance fluctuations of intermittent energy generation. The development also represents a

significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

Loss of Prime Agricultural Land and Soils

- 71 Policy 50 sets out that development out with 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. Policy 51 seeks to protect soils from damage such as erosion or compaction. Developments located on areas of good quality agricultural soils must minimise impact to the soil resources and or consider opportunities for re-use of the soils.
- 72 In this case the site identifies as prime agricultural land and the development does conflict with Policy 50. However, given that the development can proceed in its current approved form, and there is no further land take proposed by this application, the breach of the policy is largely outweighed by the material circumstance. Having regard to any impacts on soils, compaction and or the removal of high-quality soil from the development site is recognised as factors in this instance. Although the applicant has not stated intentions to overly compact and or excavate soil from the site, an additional safeguarding condition is recommended, requiring soils which are excavated to be reused or repurposed in a suitable way onsite which avoids further damage, for example within landscaped areas, thereby protecting those soil properties for later reuse. (Condition 11).

Lifespan of Facility

- 73 The lifespan of the facility is confirmed to be approximately 50 years. As such, Condition 12 can require that should the energy storage facility not be in use for a continuous period of 12 months or at the conclusion of this term, that the site is then decommissioned and re-instated to its original condition.

LEGAL AGREEMENTS

- 74 None required.

DIRECTION BY SCOTTISH MINISTERS

- 75 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 76 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 Local Development Plan and associated material considerations, with the proposal not assessed to conflict with the development plan in this case.
- 77 Accordingly, the proposal is recommended for approval subject to the following conditions:

A RECOMMENDATION

Conditions and Reasons for Recommendation

General

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

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

Noise

2. All hereby approved plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

3. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 2. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with Condition 2 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

Lighting

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

Roads and Transport

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

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

6. The proposed route for any abnormal loads on the trunk road and local road networks must be approved by the relevant roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. The details of any abnormal load movements required, including any accommodation measures necessary, shall be

submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Transport Planning. Any request for approval shall be submitted at least two months prior to the proposed load movement.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured traffic management consultant. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and Transport Planning. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e. battery storage containers, transformers, customer switch rooms, DNO Switchgear etc) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Biodiversity

9. The detailed landscaping and planting report (plan 22/00832/22) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Private Water Supply

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving

properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Planning Authority for approval in writing, this Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed statement.

Reason – In the interests of soil protecting and management in accordance with Policy 51 of the LDP2.

Facility Lifespan

12. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

B JUSTIFICATION

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

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. An application for Building Warrant may be required.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant 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.
8. 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.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is

available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
11. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

Background Papers: 2 letters of representation

Contact Officer: Jamie Torrance

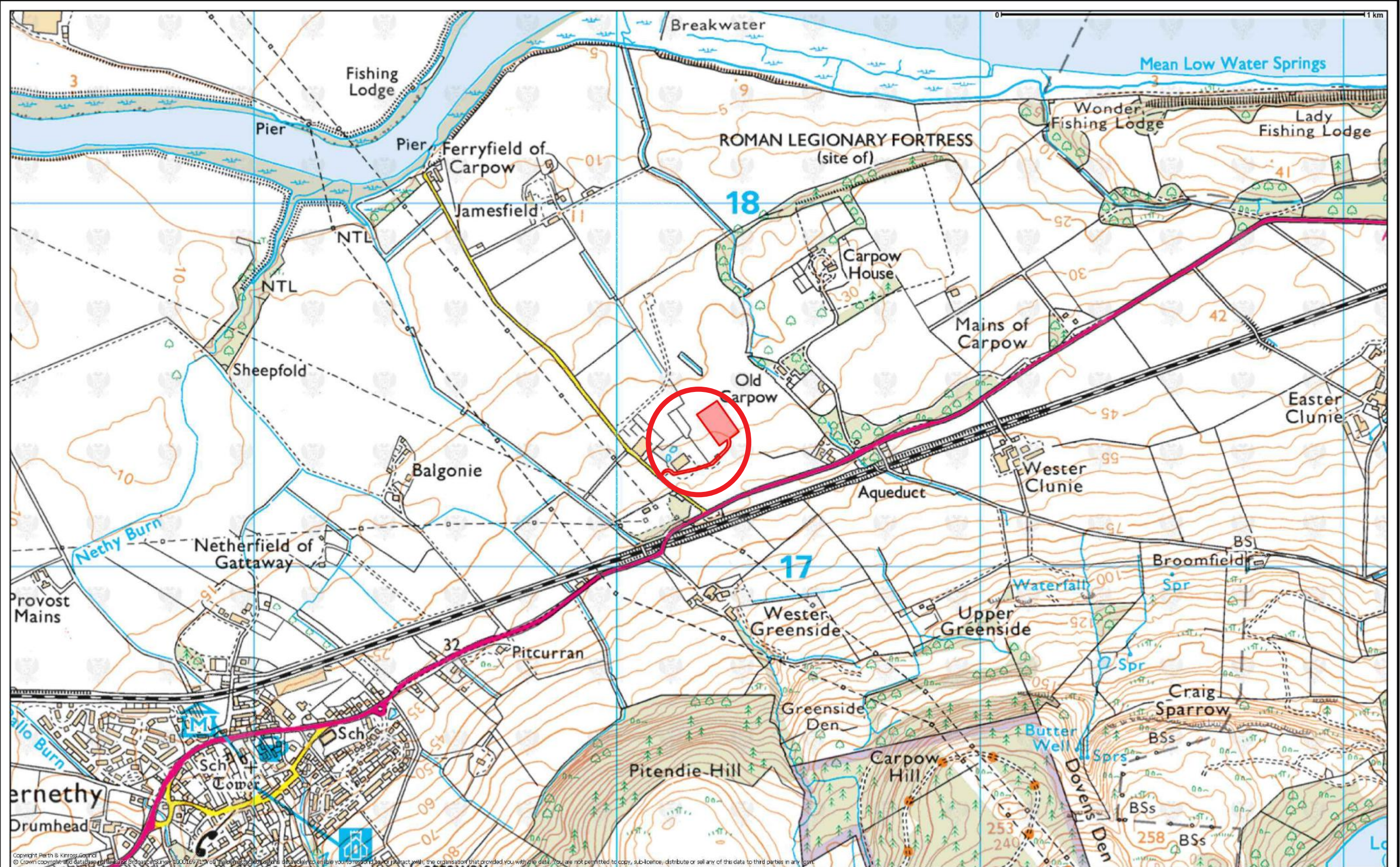
Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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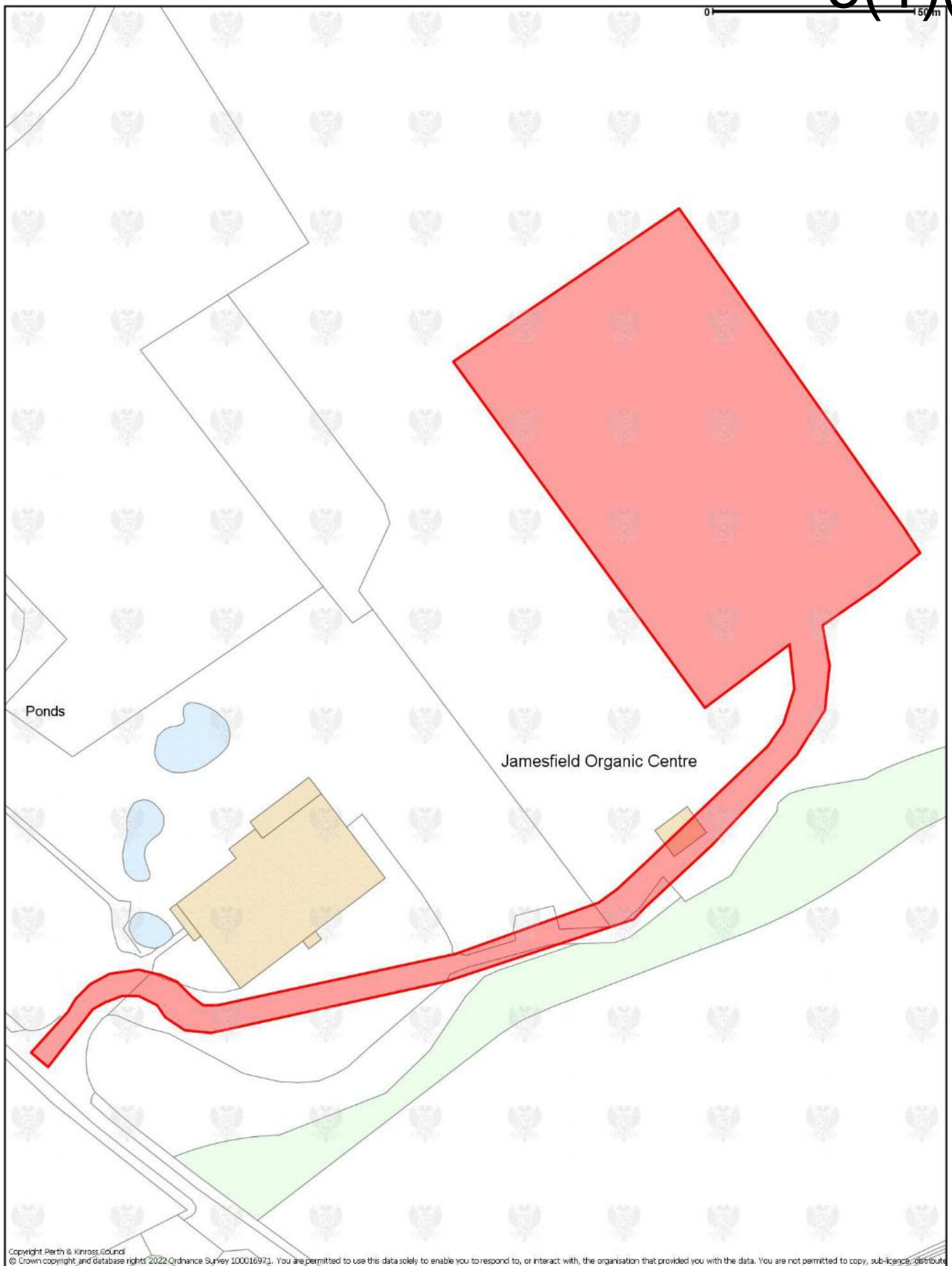
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22/00832/FLM

Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works Land 140 Metres North East Of Jamesfield Organic Centre Newburgh





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22/00832/FLM

Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works Land 140 Metres North East Of Jamesfield Organic Centre Newburgh



Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/218)

| | |
|------------------|---|
| PROPOSAL: | Formation of an up to 49.99MW energy storage compound comprising battery storage units, ancillary buildings, landscaping and associated works |
| LOCATION: | Land 60 metres north of Abernethy Cemetery, Newburgh Road, Abernethy |

Ref. No: [22/00746/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application, subject to conditions. It proposes the formation of a 49.9MW energy storage compound comprising 20 battery storage units, ancillary buildings, landscaping and associated works including vehicle access on land South of the Jamesfield Farm Shop. The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.1.6 hectares (Ha) in area and is located within an existing agricultural field situated between the A913 Public Road (Abernethy Road) and the Jamesfield Farm Shop, approximately 1 kilometre (km) east of Abernethy. Two local businesses are located near to the development, the farm shop c.100m to the north, whilst the Jamesfield Garden Centre is located approximately 200m to the north-west. Other than these businesses, there is an existing electrical substation, c.150m to the west. The development itself would comprise: a storage compound contained within a security fence (c.5,645 square metres (m²)). The balance land (c.7,867m²) comprises two site accesses and landscaped areas. The wider land use beyond the immediate surrounds is largely agricultural. Local topography is generally level, with a slight slope down to the north, whilst south of Abernethy Road there is a more significant rise.
- 2 More specifically, the proposal comprises: 20 containerised storage units containing the batteries (dimensions 12.2 x 2.44 x 2.9m); a modular site office and separate container, of the same dimensions; two electrical control room buildings (dimensions 8.0 m x 6.5 x 2.84m and 10.0 x 10.0 x 2.84m). Otherwise, the compound will be enclosed with security fencing (green or grey in colour) and see CCTV, mounted on poles all measuring up to 3m in height.

Parking and access are also proposed, off both Abernethy Road and the local access road serving the Jamesfield Garden Centre, Farm Shop, etc.

- 3 The development proposed is similar in nature, general form and functionality to that proposed by Planning Application 22/00832/FLM, a separate agenda item before this Committee. That development is to be located approximately 100m to the north-east and also enables energy storage and transfer. Neither application is linked in operational terms, however, both proposals have advanced an operational need to be near to the existing Abernethy Substation, which is indicated to have capacity for the unconstrained import and export of electrical energy. Both developments also offer carbon saving to support the move to a greater reliance of renewable energy. The site subject of the subject application has no planning history.
- 4 Significant planting set out in a landscaping scheme is proposed to assist with visual integration into the wider surroundings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 6 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 7 An EIA screening has been undertaken. The proposal being a Schedule 2 development in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. In the case of these regulations, prohibition is given to the granting of planning permission to "EIA development" unless an environmental impact assessment has been undertaken. In this case the Council has adopted the opinion that it is not EIA development, and that sufficient information has been submitted with the application to enable a determination in consideration of all relevant environmental matters. These environmental aspects requiring further consideration, are namely: Noise, Landscape and Visual Amenity, Ecological Values, Transportation and Drainage matters. These are examined in more detail within the appraisal section of this report.

PRE-APPLICATION CONSULTATION

- 8 The proposal is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local

community. Public concerns raised as part of this process identified noise, landscaping and flood risk as being matters not addressed by the consultation events. These matters have been responded to in writing and included within the Pre-Application Consultation (PAC) Report submitted with this application.

- 9 The PAC Report notes that three online public events were held, as permitted by the relevant regulations. These online events were held on 16 December 2021, 1 February 2022 and 31 March 2022, with notice provided to local MPs and MSPs and the Abernethy Community Council. Twelve interested parties engaged with the consultation process, and a number of comments and concerns were reviewed and addressed within the PAC Report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient, proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

- 10 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 (NPF)

- 11 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 a statutory document and a material consideration in any planning application. It 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.
- 12 The draft NPF4 which is currently out for consultation sets out that battery energy storage facilities are supported in principle, subject to further onsite considerations.

Scottish Planning Policy (SPP) 2014

- 13 The current 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. It 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.
- 14 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
- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Delivering Heat and Electricity: paragraphs 152 – 173
- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport
 - The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 17 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 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.”*
- 18 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2019

- 19 The Local Development Plan 2 (LDP) was adopted by Perth and Kinross Council on 29 November 2019. It sets out a vision statement for the area, which includes 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.”* It is the most recently adopted statement of Council

policy and is augmented by Supplementary Guidance.

20 The principal relevant policies are:

- Policy 1A and 1B Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 8 Rural Business and Diversification
- Policy 26B Scheduled Monuments and Archaeology
- Policy 33A Renewables and Low Carbon Energy
- Policy 33B Repowering and Existing Facilities
- Policy 35 Electrical Transmission
- Policy 39 Landscape
- Policy 41 Biodiversity
- Policy 47 River Tay Catchment Area
- Policy 50 Prime Agricultural Land
- Policy 51 Soils
- Policy 53 Water Environment and Drainage
- Policy 55 Nuisance from Artificial Light Pollution
- Policy 56 Noise Pollution
- Policy 60B Transport Standards and Accessibility Requirements

Other Policies

- 21 Perth and Kinross Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- 22 Perth and Kinross Supplementary Guidance: Landscape, February 2020
- 23 Perth and Kinross Supplementary Guidance: Placemaking Guide, March 2020
- 24 Perth and Kinross Planning for Nature, Development Management and Wildlife Guide Supplementary Guidance, April 2022

Site History

- 25 [21/00018/PAN](#) A Proposal of Application Notice was accepted on 7 January 2022 for the formation of a battery energy storage compound, comprising: battery storage units; ancillary buildings and equipment; landscaping; and associated works
- 26 [22/00002/PAN](#) A Proposal of Application Notice was accepted on 11 February 2022 for the Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works

CONSULTATIONS

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

- 28 **Scottish Water:** No objection. Advice provided that no public sewer and water supply options are available.
- 29 **Perth and Kinross Heritage Trust:** No objection. Subject to a condition that the development sees an agreed archaeological watching brief undertaken prior to work commencing. Further comment provided as to potential impacts on the setting of a nearby scheduled monument. Suggestions offered for screening and softening of impact.
- 30 **Abernethy Community Council:** No comments.
- 31 **Scottish Environment Protection Agency:** No objections. Ask that the applicant be made aware of relevant standing advice.
- 30 **Nature Scotland:** No objection or comments.
- 32 **Transport Scotland:** No objection. Subject to conditions regarding the need for further approval of signage, traffic control measures and abnormal sized loads with respect to the use of the Trunk Road.
- 33 **Network Rail:** No objection or comments.

INTERNAL

- 34 **Biodiversity Officer:** No comments.
- 35 **Structures and Flooding:** No objection. Advise the development falls below the threshold for consultation. Ask that an informative note is attached to any planning permission directing the applicant to the Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#).
- 36 **Environmental Health (Noise/ Odour):** No objection, subject to a condition regarding plant and or equipment noise during construction.
- 37 **Environmental Health (Private Water Supply):** No objection, subject to a condition requiring a pre-survey check and safeguarding investigation of private water and wastewater infrastructure prior to works commencing. Request informative notes in respect of existing wayleaves and obligations under the Water Scotland Act 1980.
- 38 **Transport Planning:** No objection, subject to a condition to ensure construction traffic is appropriately managed.
- 39 **Development Contributions Officer:** No objection, clarifying that no contributions are required.

Representations

- 40 Two objections have been received, summarised as follows:
- Traffic and Transport Impacts, including impacts on the use of private land

- Impacts on soils and agricultural land
- Landscape Impacts
- Impacts on amenity
- Noise Impacts
- Artificial Light
- Impacts on private water supply
- Flooding and Drainage
- Site decommissioning

41 The matters raised are addressed in the Appraisal section of this report below

ADDITIONAL STATEMENTS

42

| | |
|--|---|
| Screening Opinion | Not EIA Development |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| Appropriate Assessment | AA Not Required |
| Design Statement or Design and Access Statement | Supporting Statement Submitted. |
| Report on Impact or Potential Impact | <ul style="list-style-type: none"> • Ecological Assessment • Noise Assessment • Pre-Application Consultation Report • Supporting Statement with Design Access Statement |

APPRAISAL

43 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. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (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 includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish Energy Strategy (SES) (December 2017), the future of energy in Scotland.

Principle

44 The location is a peripheral rural area east of Abernethy, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking; Policy 8 Rural Diversification; Policy 33A and 33B Renewables and Low Carbon Energy; Policy 50 Prime Agricultural Land; and Policy 51 Soils. The site has no planning history, and accordingly is advanced in this instance as a minor departure to the LDP2, specifically Policies 1B and 50. The proposal is

located on Prime agricultural land, whereby such developments will not be permitted unless it is necessary to meet a specific established need, such as a major infrastructure proposal, and only when there are no other suitable sites available on non-prime land.

- 45 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets, supporting the strategy principles of the SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, thus decreasing CO₂ emissions.
- 46 In this case the applicant does acknowledge the temporary loss of prime agricultural land as well as the corresponding loss of arable use over the life of the facility. However, it is advanced that the locational need for the development close to the existing electrical substation, in addition to any carbon offsetting potential, outweigh those impacts on landscape values and agricultural use. The location in this case being chosen due to its proximity to the Abernethy substation, which will enable easy connection to the grid network, but also accounting for the fact that this substation has unconstrained capacity to import and export the electrical energy required. Notwithstanding the conflict with Policies 1B and 50, Policy 33B specifically encourages low carbon energy solutions where specific grid connection or the use of established infrastructure can occur. The planning balance in this case is considered to rest with supporting the development proposed, given the site-specific reasoning for this major infrastructure proposal. Furthermore, consideration must be had to the finite lifespan of this facility. Whilst the overall operational life will be some 50 years, minimal disturbance to the site will be required, allowing the pre-existing land use to resume afterwards. This matter along with consideration of any soil disturbance is discussed further below.

Design and Layout

- 47 The design and layout proposed essentially reflects the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will essentially see built form contained below 3m in height. The tallest built structures being the electrical control rooms and the battery storage containers, both just under 3m. Remaining built elements will vary in height but predominantly around 3m, including perimeter fencing and CCTV poles. All aspects within the storage compound will be enclosed behind a security fence, painted grey or green, and additional landscaping is also proposed.
- 48 Having regard to the overall scale and height of built structures, horizontal massing is more significant than vertical impacts. This aspect is further considered in the landscape and visual impact sections below. Conditions are recommended to control physical separation between containers / structures as well as the colour / finish of materials.

Landscape

- 49 Landscape and or placemaking policy within LDP2 requires that a development should be compatible with its setting and wider character. In this case the proposal sits within Broad Valley Lowlands (Tayside Landscape Character Type). This land use mainly comprises settled lowland agricultural valleys with fertile soils dominated by arable crops. The site is currently visible in open views across the strath, the Tay and towards the Sidlaw Hills Local Landscape Area. Potential landscape receptors include a group of houses to the east, intermittent views by vehicles and walkers along the A913 (Abernethy Road - also a core path) and visitors to Jamesfield complex.
- 50 A description of landscape and visual impacts along with a description of mitigation proposals and visualisations have been provided in support of the application. High detail photographic renders showing the likely appearance of the development in its setting. The proximity to Abernethy Road has a significantly higher potential landscape impact than the consented/proposed development further north (refs: 17/00951/FLL and 18/02336/FLL, which are proposed to be superseded by 22/00832/FLM). It is accepted that the local topography drops down and away northwards from the roadside and accordingly the impact on views towards the Sidlaw Hills, across the Tay and further to the north, would remain relatively unimpacted. Furthermore, proposed planting will soften the landscape impact over time. In addition, views northward from the public road (which is also a core path) present an already developed and cluttered immediate landscape, containing: an existing wind turbine, electricity pylons, substation, garden centre and farm shop. In addition, consideration must also be given to the consented energy storage installations to the northeast of this proposed development. Consequently, concern is raised in representations that the development if approved, will further erode the landscape setting at this location, at odds with the pre-existing landscape character type.
- 51 As discussed above, it is considered that any landscape and or land designation impacts arising would be outweighed by the operational and locational need to position the development in proximity to the nearby substation. That is, there is an established need and site-specific reasoning for this major infrastructure development to be positioned in this location. For this reason, and in considering the proposed landscaping, combined with other mitigation such the screen fence and ensuring the external finishes of the development are acceptable, it is not considered that there would be unacceptable impacts on landscape or visual amenity. Particular note is made of the fact that the limited height of the development will see views from the public realm north to the Sidlaw Hills and to the Garden Centre will not significantly impacted. Conditions are recommended to ensure the delivery of the landscape mitigation as proposed. (Conditions 8 and 9.)
- 52 The proposal is considered to accord with Policies 1A, 1B and 39 of the LDP2. Although the development has impacts on the wider landscape character it is not considered that it will look wholly out of place in this setting, particularly noting the consented energy storage facilities to the north-east, the existing substation to the west and wind turbine also to the north.

Residential Amenity

- 53 The nearest residential receptors are more than 250m away, to the east and are unlikely to be significantly impacted due to the physical distance of separation, low vertical height of the development proposed, minor undulations in local topography and through proposed landscaping. However, the Jamesfield Farm Shop as well as the Jamesfield Garden Centre are both located within 150m of the main site compound. Therefore, some direct impacts, particularly during construction is inevitable.
- 54 The Council's Environmental Health team (EH) have reviewed the submitted noise impact assessment, including any modelling results, and have no objection. Potential noise sources include: air conditioning units; inverter cooling fans; switchgears; transformer and background reactor noise; and construction noise. EH advise a condition setting acceptable limits to all approved plant and or equipment noise output.
- 55 Compliance with the recommended condition see it considered that the development will comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties. However, some impacts to local businesses as discussed may occur during construction. However, ongoing noise and nuisance impacts are considered very limited and unlikely to impact these sites in any significant way due to the low operational noise from the facility.

Lighting

- 56 The impact of artificial lighting has been noted as a matter of concern in representations. However, the use of lighting is to be minimal and primarily for security purposes. Condition 4 can control spillage and limit operation to acceptable levels.

Roads and Access

- 57 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. In this regard two access points are proposed to this development, one from the road serving Jamesfield complex and a second directly from the A913. No concerns or further comments are raised by Transport Planning and or Transport Scotland with respect of impacts to the local and or trunk road networks, subject to conditions relating to a Construction Traffic Management Scheme (CTMS) and further agreement for the passage of abnormal loads on the road network. Conditions are therefore recommended to this effect, particularly noting the need for further agreement for any signage, traffic management and or abnormal loads.
- 58 Overall, no significant road and or transport impacts are identified, and it is concluded, subject to conditions 5-7, that the development conforms with Policy 60B.

Drainage and Flooding

- 59 Policy 52 requires development to appropriately consider flooding and drainage. In this respect the site is not within an identified SEPA flood risk location and the Council's Flood Hazard and Structures Team does not raise any objection. The applicant is directed to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 where applicable.
- 60 The proposals are thus considered to satisfy policy 52 of LDP2.

Natural Heritage and Biodiversity

- 61 LDP2 Policies 39 and 41 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the proposed Landscape Plan includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity. No adverse comment has been made by the Council's biodiversity officer.
- 62 A preliminary ecological assessment has been provided which does not raise any significant concerns with the development proposed or the impacts to the site. Accordingly, subject to the delivery of landscaping as proposed the development is considered to accord with Policies 39 and 41 of the LDP2.

Archaeology

- 63 The development proposal has been reviewed by the Perth and Kinross Heritage trust who have not raised any objection to the development subject to the imposition of an archaeological watching brief, to be imposed by condition. Subject to the implementation of this condition and addressing any matters raised in this investigation the development is considered to comply with Policy 26B of the LDP2.

Private Water Supply

- 64 The development is for an energy storage compound in a rural area with private water supplies (including Jamesfield Borehole Supply) understood to serve properties in the vicinity. Whilst no specific impacts to private water supply are identified, a safeguarding condition is considered reasonable and sufficient to resolve any matters which may arise. This will ensure both that the new development has an adequate and consistently wholesome supply of water (should that be required) and to maintain water quality and supply in the interests of residential amenity. In addition, to ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. Otherwise, it should be noted that once the development is operational Perth and Kinross Council Environmental Health Services will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. Further informative notes relative to existing wayleaves and compliance with the Water Scotland Act 1980 are also recommended to be appended to any positive decision notice.

- 65 Condition 10 is recommended, requiring that the applicant confirm the location of private water and wastewater infrastructure and any required protective measures are put in place prior to works commencing.

Developer Contributions

- 66 There has been comment that no local benefits would result from the development. However, in planning policy terms, no developer contributions are triggered for this type of development. As a result, the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

Economic Impact

- 67 In the short term, construction will create jobs with scope for local employment. Beyond this local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.
- 68 It is clear the development has benefits in renewable energy generation, and in this case, it is considered that those benefits are sufficient to outweigh the tension with Policies 1B and 50.

Loss of Prime Agricultural Land and Soils

- 69 In this case the site is identified as prime agricultural land and the development of it therefore conflicts with Policy 50 which seeks to protect such land resources. Furthermore, Policy 51 seeks to ensure high quality soils are not damaged or eroded. It is considered in this instance that there are material circumstances which meet a specific need justifying the support of this major infrastructure proposal. Whilst objection is raised that this proposal promotes the excessive occupation of prime land impacting the productive potential of the land over the life of the facility, it is considered the planning balance in this case sits with Policy 33B of the LDP2, which provides specific encouragement to use existing infrastructure and promotes grid connection in support of this type of proposal. Given the specific locational need justification provided it is unlikely that this proposal will lead to further and excessive use of prime land elsewhere within Perth and Kinross. Nor is it obvious that the development could be located on non-prime land and still reasonably be connected to the substation.
- 70 Whilst justification for the development location is accepted this does not exclude a developer from overly damaging or impacting high quality soils at this site. Particularly further regard must be had with respect to the future decommissioning of the facility, to allow its previous land use to recommence at that time. Impacts to soils from this development relate specifically to compaction and or removal from the site. Although the applicant has not stated

intentions to overly compact and or excavate soil from the site, an additional safeguarding condition is recommended, requiring soils which are excavated to be reused or repurposed in a suitable way and which avoids further damage. This may for example within landscaped areas, thereby protecting those soil properties for later reuse (Condition 11).

Lifespan of Facility

- 71 The lifespan of the facility is confirmed to be approximately 50 years. As such, Condition 12 can require that should the energy storage facility not be in use for a continuous period of 12 months or at the conclusion of this term, that the site is then decommissioned and re-instated to its original condition.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 None Required.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 71 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered a minor departure from the Development Plan, specifically Policies 1B and 50 of LDP2. However, material considerations allow this to be outweighed in this instance and justify an approval recommendation.
- 72 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Conditions and Reasons for Recommendation

General

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

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

Noise

2. All hereby approved plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

3. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 2. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with Condition 2 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

Lighting

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

Roads and Transport

5. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

6. The details of any abnormal load movements required, including any accommodation measures necessary, shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for approval shall be submitted at least two months prior to the proposed load movement.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the local or trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured Traffic Management Consultant. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Councils Transport Planning team. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e., battery storage containers, transformers, DNO Switchgear, perimeter fencing etc) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed

shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Biodiversity

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

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Private Water Supply

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Planning Authority for approval in writing, this Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed statement.

Reason: In the interests of appropriately managing prime quality soils and minimising the long-term impacts of developing the site in accordance with Policy 51 of the LDP2.

Archaeology

12. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

Reason – To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

Facility Lifespan

13. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, and or at the end of life for the development (50 years from the commencement of electricity storage) it shall be deemed to have permanently ceased to be required. In either event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

B JUSTIFICATION

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from relevant policies 1B and 50 of the LDP2.

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. An application for Building Warrant may be required.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant 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.
8. 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.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee

that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. 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.
11. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
12. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
13. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

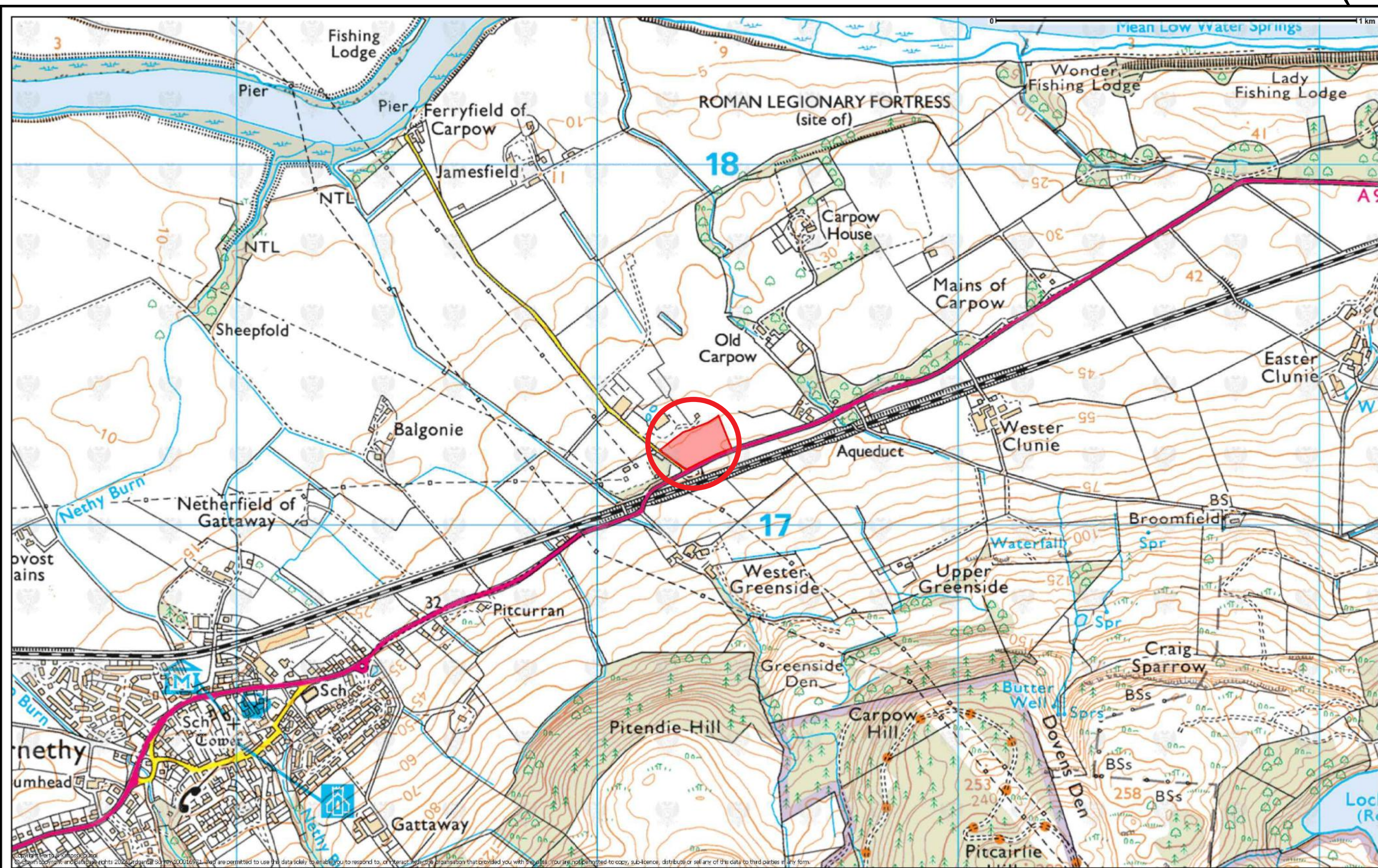
Background Papers: 2 letters of representation
Contact Officer: Jamie Torrance
Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/219)

PROPOSAL: Erection of shelter building and acoustic fence, formation of clay pigeon shooting range and earth bunds (in part retrospect)

LOCATION: Crieff Hydro Hotel, Ferntower Road, Crieff PH7 3LQ

Ref. No: [22/00334/FLL](#)

Ward No: P6 – Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Planning permission is sought (in part retrospect) for the use of a site located to the north of the Crieff Hydro Hotel complex as a clay pigeon shooting range, including associated formation of earth bunds, acoustic fence and erection of a shelter building.
2. The site lies c.1.3km north of the main hotel buildings, within a rural upland area characterised by ancillary hotel leisure uses such as: golf, crazy golf, zip line and rope courses, etc.
3. A previous similar application (Ref: 19/01181/FLL) was withdrawn not long after submission on 30 August 2019, following PKC Environmental Health requests for further information. The current application is now supported by an updated Noise Report and enhanced mitigation proposals.
4. The bund and shelter building already exist, whilst a 1.5m absorptive acoustic barrier is to be added to the top of the bund, on all three sides and acoustic tiles added to the internal side walls and internal roof of the existing shelter building.
5. The shooting activity will operate around 200 days a year at the following times: Monday to Saturday – typically one or two, one hour sessions per day between 10am – 5pm and a Sunday – typically three to four, one hour sessions between 11am – 5pm. No shooting is to take place after 5pm.

Pre-Application Consultation

6. The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

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 2014

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. This is a statutory document and material consideration in any planning application. It 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 (SSP)

9. The Scottish Planning Policy (SPP) 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment: paragraphs 193 – 218

Planning Advice Notes

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40: Development Management
 - PAN 51: Planning, Environmental Protection and Regulation

Development Plan

12. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

13. 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 plans 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.”

14. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
15. Policy 3A First Choice for Investment

Perth and Kinross Local Development Plan 2

16. The Local Development Plan 2 (2019) (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.
17. The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 8: Rural Business and Diversification
 - Policy 40: Biodiversity
 - Policy 56: Noise Pollution

Other Policies

18. No other policies.

Site History

19. 19/01181/FLL A detailed planning application which proposed the erection of a shelter building, formation of clay pigeon shooting range and earth bunds (in retrospect) was withdrawn on 30 August 2019.

CONSULTATIONS

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

External

21. No external consultations required.

Internal

22. **Structures And Flooding:** No objection. No comments in terms of flood risk.
23. **Environmental Health (Noise Odour):** No objection. Comments made regarding noise/operation and conditions recommended.
24. **Development Contributions Officer:** Advise no developer contributions required.

Representations

25. 73 objections were received, with the main issues raised summarised as follows:
- Noise pollution
 - Out of character with the area
 - Inappropriate land use
 - Impact on birds/disturbance to habitat and protected species
 - Lack of consultation/neighbour notification
 - Excessive operating hours
 - Adverse impact on tourism
26. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| Appropriate Assessment | Habitats Regulations Appraisal - AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact e.g. Flood Risk Assessment | <ul style="list-style-type: none">• Supporting Statement• Information on Noise Impacts/Mitigation |

APPRAISAL

27. 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. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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.

Principle

28. The proposal is related to the existing leisure operation at Crieff Hydro Hotel and the principle of development is considered under Policy 8 Rural Business and Development
29. Policy 8 favourably considers the expansion of existing businesses and the creation of new ones in rural areas. There is generally a preference that this will be within or adjacent to existing settlements. Sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity. The proposal is for a clay pigeon shooting range that is related to a well-established existing hotel operation. The proposal therefore clearly associated to a site-specific resource, as required by Policy 8.
30. There are several criteria outlined within Policy 8 applicable, which require that development contributes to the local economy, will not result in suburbanisation nor encourage unsustainable travel patterns, be compatible with surrounding land uses, can be accommodated within the landscape and environmental capacity, meets a need by virtue of the location in relation to existing business/tourist facilities, and that the road network can accommodate the development.
31. The principle of the development is considered acceptable in terms of Policy 8. The detail of the proposal and its impact on residential amenity, landscape and other matters is considered below.

Design and Layout

32. The application is in part retrospective, as the range has been formed with a bund on three sides to the north of the site, and a rough track to the south and shooting hut sited at the east boundary. The proposal retains the site as laid out, with the addition of the recommendations in respect of noise require the bund to be increased in height by 1.5m and absorptive acoustic tiles added to the internal side walls and internal roof of the existing shooting hut.
33. The design and layout are considered appropriate in scale and design and conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2.

Residential Amenity

34. Previous application 19/01181/FLL was withdrawn by the applicant as the noise assessment submitted did not meet the requirements of EH to determine the noise impact on noise sensitive receptors (NSR).

35. A further Noise Impact Assessment (NIA) was undertaken in June 2020 and November 2020. With a final survey conducted in January 2022.
36. The NIA assessed the shooting noise at the nearest identified noise sensitive receptors and a sound meter was positioned within the shooting enclosure and additional sound meters at the various receptor locations, with background levels L_{A90} measured at each location. These background levels are listed below:
 - Location 1 – Hosh Farmhouse - L_{A90} 40dB
 - Location 2 – Aberturret House - L_{A90} 49.4dB
 - Location 4 – The Old Manse, Monzie - L_{A90} 41.7dB
 - Location 5 – Crieff Hydro Football Pitches - L_{A90} 40.2dB
 - Location 6 – Ardvreck School - L_{A90} 46.6dB
 - Location 7 – Mid-Lodge Ferntower - L_{A90} 43dB
37. One further location (Number 3) was agreed but was excluded from the survey at the resident's request.
38. The NIA determined the noise shooting level in accordance with the Chartered Institute of Environmental Health (CIEH) 2003 *"Clay Target Shooting - Guidance on the Control of Noise"* and the shooting noise level at each location was determined from the 25 highest shots measured at the receptors.
39. Source noise measurements were conducted within the shooting enclosure at approximately 1.5 metres away from the shooter and at a 90° angle. The shooter using a 12-gauge shotgun loaded with low noise 28g cartridges and a 20-gauge shotgun loaded with 14g cartridges, 60 shots were fired for each gun at each location within the enclosure. The arc of fire was approximately 45° horizontally and 40° vertically.
40. All noise measurements were carried out in accordance with BS7445:1991 *"Description and measurement of environmental noise"*.
41. The CIEH guidance states that the Shooting Noise Level should not exceed 55dB where the existing background level is below L_{A90} 45dB
42. The analysis of the sound level data and audio at receptors indicated that shots were audible at Location 1 Hosh Farmhouse – LAFmax 47.8dB (12 gauge) and 47dB (20 gauge); Location 2 Aberturret House – LAFmax 51 dB (12 gauge) & 50.9 dB (20 gauge); and Location 6 Ardvreck School – LAFmax 50.3dB (12 gauge) & 50.2dB (20 gauge).
43. At Locations 3, 4 and 5 there was no clear distinguishable gun shots. Otherwise, although the shots could subjectively be distinguished against the ambient noise environment at Locations 1, 2 and 6, based on the noise survey and local background levels, the shooting noise level was below the CIEH guideline level of 55dB. The levels also comply with the BRE 1997 research which states that *"at shooting noise levels below the mid 50dB(A) there is little evidence of significant levels of annoyance at any site"*.

44. The background level at Location 1 is lower than that at Location 2 and 6 and therefore the shooting noise has the potential to be easily more identifiable against the ambient noise environment and therefore perceived as more intrusive. The maximum noise level of the shots at Locations 2 and 6 is around 2-3 dB above the background levels and therefore likely to be effectively masked by the ambient noise environment.
45. A further site investigation was carried out by the consultant to determine if mitigation measures could be implemented to reduce received levels of shooting noise at the nearest identified noise sensitive receptors.
46. The report dated 6 October 2020 recommended that further reductions in received gunshot noise could be achieved by increasing the effective height of the existing earth bunds. Increasing the height of the bund increases the path difference from the source to the receiver, leading to reductions in noise level at the receptor to the Northwest of the site. The report gave several options on how the bund height could be increased, additional soil, hay bales, noise barrier, etc. The report also recommended further mitigation measures for the shooting enclosures and that predictive noise modelling should be undertaken to determine the reductions in received levels through the proposed mitigation measures.
47. Shooting noise levels were recorded at five locations on 21 September 2020, within the site, and all measurements were in accordance with BS7445:1991. Shots were fired within the shelter building using a 12-gauge shotgun loaded with low noise 28g cartridges and 20-gauge shotgun with 14g cartridges. It is understood that this combination of cartridges and shotguns is to be used. For each shotgun and each location, two shots were fired from within the enclosure.
48. The most recent report states noise levels from the clay pigeon shooting have already been demonstrated to meet regulatory requirements, but levels were audible at some NSR due to low background levels. The consultant states that *"in our professional opinion that further reductions in noise impact at the nearest noise sensitive receivers (NSRs) could be further implemented"*.
49. The report recommends a 1.5-metre-high acoustic barrier on top of the existing bunding, on all three sides, with modelling undertaken in this regard and shooting noise source level taken from the onsite measurements recorded on 21 September 2020. The model predicted an improvement of +5dBA would be subjectively noticeable locally. The report states that the noise travelling to the NSR will be critically reduced/disrupted and improvement of noise levels at the NSR could be greater still. The report also states that the use of 'quieter' shotgun cartridges demonstrates a holistic approach to 'best practicable means' and strongly recommends the introduction of absorptive panels or foam cells to the inside of the shooting enclosure.
50. The applicant submitted a supporting statement which details the number of proposed shooting days per year is two hundred and that the proposed hours of operations for the clay shooting range were set out. Also, that there would be a maximum of six people at a time sharing three guns, with one instructor.

51. The assessments submitted have demonstrated prior to any proposed mitigation that the CIEH value level of <55dB can be achieved at the NSRs and with the incorporation of an acoustic barrier along the top of the existing bund and acoustic insulation to the existing shelter building that shooting noise levels at NSRs could be reduced further. However, it is recognised that noise is likely to be audible at some NSRs, due to lower background levels. Notwithstanding, with further mitigation of noise at source the perception of noise should be further reduced and within acceptable levels.
52. Environmental Health have recommended conditions are applied to any planning permission, to protect the residential amenity of noise sensitive receptors (Conditions 1 -8). From the perspective of site safety, Environmental Health have also sought a condition (Condition 6) which shall necessitate the provision of an exclusion zone and associated warning signage is provided around the facility. Overall, the proposal is considered acceptable in terms of the residential amenity of neighbouring properties in accordance with the placemaking Policies 1A and 1B and Policy 56 Noise.

Roads and Access

53. There is an existing rough track to the site with guests taken to the facility in an off-road type of vehicle.

Drainage and Flooding

54. No drainage or flooding implications are likely from the proposal.

Natural Heritage and Biodiversity

55. It has been noted that the proposal could impact protected species. As the development has taken place the physical site works are not considered to impact on any habitats. However, the noise generated could have an impact, but the wider area is characterised by leisure uses which generate noise and this activity is carried out within rural areas across Perth and Kinross without the requirement for planning permission, all such that the impacts are likely to be negligible.
56. The agent has also confirmed that in the cartridges contain steel shot rather than lead, which removes any potential lead contamination, particularly of the water environment, within the local area.

Developer Contributions

57. The developer contributions guidance is not applicable to this proposal.

Economic Impact

58. The supporting statement details that the proposal will create the equivalent of three full-time jobs. The proposal will also contribute to the leisure offering the hotel providing more choice in the facilities offered.

VARIATION OF APPLICATION UNDER SECTION 32A

59. This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

60. Not applicable.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

62. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
63. Accordingly, the proposal is recommended for approval subject to the following conditions:

A RECOMMENDATION

Conditions and Reasons for Recommendation

1. Noise from operations on site shall not exceed $L_{A90,1 \text{ hour}}$ background noise level plus 5dB (A) when measured at any residential property.

Reason – In order to safeguard the residential amenity of the area.

2. No clay pigeon shooting is hereby permitted on site until a 1.5-metre-high acoustic fence is installed in line with the recommendation of Noise Assessment L-8112C-DJC-RGM dated 20 January 2022 and drawing No 04 and 07.

Reason – In order to safeguard the residential amenity of the area.

3. No clay pigeon shooting is hereby permitted on this site until the enclosure from which shooting will take place has been acoustically insulated in accordance with drawing 05 such that the walls, roof, and external wing walls of the enclosure have been clad with noise insulating material, the details shall be first submitted to and approved in writing by the Planning Authority in consultation with Environmental Health.

Reason – In order to safeguard the residential amenity of the area.

4. Within one month of the completion of the following mitigation measures; acoustic insulation of the shooting enclosure and erection of acoustic fence at the approved locations; a Noise Impact Assessment shall be undertaken by a suitably qualified person and the Report submitted to, and approved in writing by, the Planning Authority. The Report shall summarise the findings of the Noise Impact Assessment and make recommendations for further mitigation works if the noise of shooting is found to be over 55dB at the nearest noise sensitive property. Once approved, any required mitigation must be implemented in accordance with the approved details within 30 days, unless otherwise first agreed in writing by the Planning Authority.

Reason – In order to safeguard the residential amenity of the area.

5. No clay pigeon shooting shall take place on the site other than between the hours of 10:00 to 17:00 hours Monday to Friday and 11:00 hours to 17:00 hours Saturday and Sunday.

Reason – In order to safeguard the residential amenity of the area.

6. No clay pigeon shooting shall take place unless and until the exclusion zone is clearly marked out on site, and warning signs are erected on the access track to the site, details of which shall first be approved in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented prior to the first use of the development and retained in place for the duration of the use of the land for clay target shooting.

Reason – In order to safeguard the general public

7. Only low noise cartridges as referenced in the Noise Impact Assessment (plan ref 09) shall be used for the clay pigeon shooting and all shooting at the site must be within the shooting enclosure at all times.

Reason – In order to safeguard the residential amenity of the area.

8. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to conduct a noise assessment to verify compliance with the CIEH men shooting noise level below 55dB(A) and condition 1 above. The assessment will be conducted to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with CIEH 55dB or condition 1, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason – In order to safeguard the residential amenity of the area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Not required

D INFORMATIVES

Background Papers: 73 letters of representation

Contact Officer: Joanne Ferguson

Date: 2 September 2022



DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

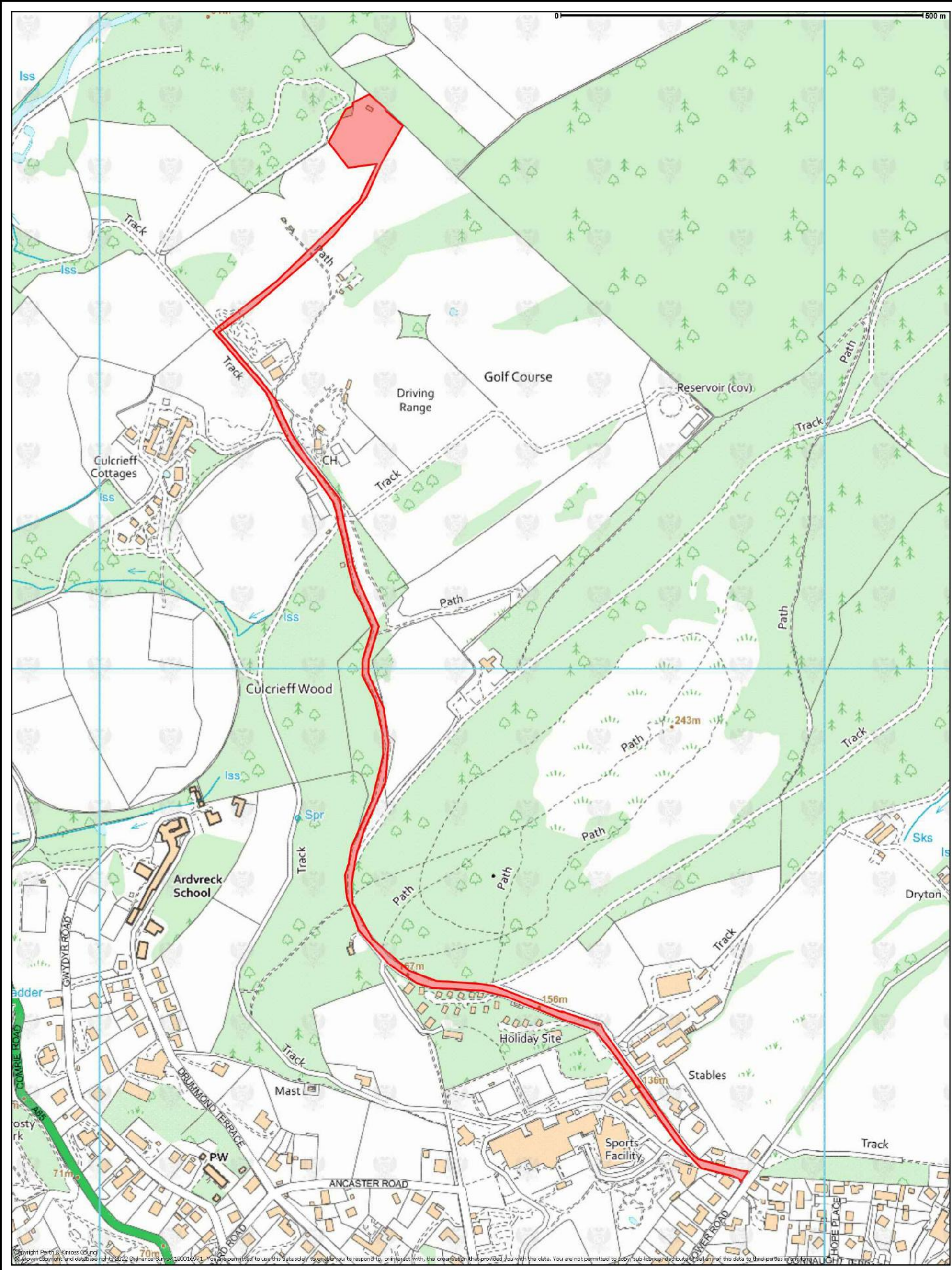
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Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/220)

| | |
|------------------|--|
| PROPOSAL: | Erection of visitor centre comprising crannog, roundhouse, demonstration structures, café/retail, museum/office, car and coach parking, landscaping and associated works |
| LOCATION: | Land 60 Metres South-East of Drummond House, Kenmore |

Ref. No: [22/00711/FLL](#)

Ward No: P4 – Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of a visitor centre associated to the Scottish Crannog Centre (SCC). It is proposed to develop a crannog, roundhouse, demonstration structures, cafe/retail and museum/office facilities, car and coach parking, landscaping and other associated works all at Dalerb on the north shore of Loch Tay. Specifically positioned between the A827 and the loch shore. The development area extends to approximately 1.9 hectares and is a broad, slightly projecting peninsula approximately 1km to the west of Kenmore on the road towards Fearnan. Loch Tay sits on its south and west sides, whilst the A827 is to the north with single storey residential properties beyond, and to the east is the remainder of the wider Dalerb site which is a further 1.7 hectares in site area bringing the total land holding to 3.6 hectares. The land to the east may be proposed for further SCC associated development in the future. Topographically the site slopes from north to south, towards Loch Tay, by approximately 8.5m.
- 2 The site is currently used for recreation and was previously owned by Forestry and Land Scotland. There is an existing access onto the A827 and an access track which links to a series of small car parking areas. This enables members of the public to access the loch shore, there are also scattered areas of woodland and dense scrub, undulating areas of mown grassland, a small toilet block and litter bins. The loch shore comprises rock and shingle. The western part of the site is currently in separate private use for boat maintenance and water access.

- 3 The Scottish Crannog Centre is currently located on the south side of Loch Tay adjacent to Taymouth Marina and the submission indicates that that site no longer has the capacity to meet the demands of the SCC's operations, which includes a visitor attraction, research facility, social enterprise and skills development, interpretive exhibition and teaching space. The Scottish Crannog Centre Trust (SCCT) acquired the site at Dalerb in early 2020 and this application forms phase 1 of a wider development project proposed to accommodate up to 80,000 visitors per annum.
- 4 In June 2021 there was a fire at the current SCC facility, which accelerated plans to deliver the project at Dalerb.
- 5 As outlined above the proposal is split into two phases, this application relates to phase 1 and would enable the SCC to become operational at a new location, by providing: an iron age village and roundhouse, construction of the first crannog, footpaths, utilities and infrastructure. A temporary car park is also proposed along with a new visitor centre comprising a cafe, retail use, museum and office. It is indicated that a separate application will follow for the remainder of the site, to expand the offering further.
- 6 Phase 1 at Dalerb is proposed at the western side of the overall site, utilising the existing access from the A827. A car and coach parking area is proposed on the eastern area, with associated access tracks. Parking for 47 cars, four disabled vehicles and three coaches together with a bus drop off point are proposed.
- 7 The main visitor centre is proposed to the south-west of the access, comprising two interlinked timber clad modular buildings with 'green' roofs. The northern building will accommodate a museum area and office. The link structure will serve as the main entrance. The southern building will accommodate the main reception, a small retail area, cafe and accessible WC.
- 8 To the north of the visitor centre a smaller timber clad toilet block and plant room is proposed, largely re-using the existing toilet block. This would be a simple pitched roof structure with male, female and accessible WC facilities, accessible shower and plant room. A small office building is proposed to the west of the plant room, contained within a portable cabin.
- 9 A re-created iron age village is proposed to the north-west of the visitor centre which, comprising numerous relatively small-scale structures to enable demonstration of iron age life including: cooking, textiles, metal work and other activities. Structures will be of varying designs, with construction including the use of drystone walling, turf and thatch roofs.
- 10 A larger "roundhouse" is proposed as a focal point and used for education, performance and interpretation. It is also proposed to be constructed with turf walling and a thatch roof.
- 11 A "Woodman's Yard" would be developed to the north of the roundhouse, containing two storage containers and will serve as the construction and

maintenance and training area for traditional skills such as: coppicing, timber framing, green woodworking and other related craft skills.

- 12 A series of footpaths are also proposed around the loch shore, together with outdoor "performance spaces" scattered amongst the existing woodland.
- 13 A crannog structure is proposed in the western area, extending into Loch Tay. This will be similar to the existing crannog at Taymouth and would provide a learning and performance space. It will be accessed via a timber walkway and mounted on timber posts with a thatch roof.

Pre-Application Consultation

- 14 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant had no statutory requirement to undertake any formal pre-application consultation with the local community. However, it is noted that numerous discussions have been undertaken with the local community prior to the application being submitted.

National Policy and Guidance

- 15 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 2014

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

- 17 The Scottish Planning Policy (SPP) 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.
- 18 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Supporting Business and Employment: paragraphs 32 – 108
- Valuing the Historic Environment: paragraphs 135 – 151
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

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

- PAN 40: Development Management
- PAN 51: Planning, Environmental Protection and Regulation
- PAN 60: Natural Heritage
- PAN 61: Planning and Sustainable Urban Drainage Systems
- PAN 68: Design Statements
- PAN 69: Planning and Building standards Advice on Flooding
- PAN 75: Planning for Transport
- PAN 77: Designing Safer Places
- PAN 79: Water and Drainage
- PAN 1/2011: Planning and Noise

Creating Places 2013

- 20 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

- 21 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

- 22 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 23 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.”

- 24 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 3: A First Choice for Investment
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 25 The Local Development Plan 2 (2019) (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.
- 26 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification
 - Policy 15: Public Access
 - Policy 27A: Listed Buildings
 - Policy 28A: Conservation Areas: New Development
 - Policy 29: Gardens and Designed Landscapes
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 38B: Environment and Conservation: National Designations
 - Policy 38C: Environment and Conservation: Local Designations
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 47: River Tay Catchment Area
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution

- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 27 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

- 28 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Flood Risk and Flood Risk Assessments Supplementary Guidance 2020

- 29 The Adopted Flood Risk & Flood Risk Assessment (PDF) [5MB] supports the Adopted Perth and Kinross Local Development Plan 2 (2019) Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

Supplementary Guidance - Open Space Provision for New Development

- 30 The [Adopted Open Space Provision for New Developments Supplementary Guidance \(2021\) \(PDF\) \[6MB\]](#) has been produced to accompany the Local Development Plan 2 (2019) Policy 14: Open Space Retention and Provision and contains information on SUDS drainage design.

Site History

- 31 None relevant to this location/proposal.

CONSULTATIONS

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

External

- 33 **Nature Scot:** No objection. Subject to conditions which secure mitigation relating to River Tay Special Area of Conservation.
- 34 **Perth and Kinross Heritage Trust:** No objection subject to condition which secure implementation of archaeological investigation.
- 35 **Kenmore Community Council:** No comments.

- 36 **Scottish Water:** No Scottish Water infrastructure in the vicinity of the site and therefore private treatment and water options are recommended.
- 37 **Scottish Environment Protection Agency (SEPA):** No objection in relation to flood risk and are content that there is no risk to hydromorphology. SEPA are content with the methodology and conclusions of the Ecological Impact Assessment Report. Further advice is also provided on the regulatory requirements associated with the development.
- 38 **Historic Environment Scotland:** No objection.

Internal

- 39 **Transport Planning:** No objection. Access arrangements considered acceptable, subject to a condition relating to a visibility splay and speed limit reduction on the public road, which requires to be secured through a Traffic Regulation Order. Advise that proposed traffic generation is capable of being accommodated on the public road and the level of car parking proposed is appropriate. A Travel Plan to encourage use of sustainable transport methods should be secured by condition. The proposed provision of electric car and bicycle charging points is welcomed.
- 40 **Environmental Health (Private Water):** No objection. Subject to an informative advising the developer of legal responsibilities regarding protection of existing private water supplies.
- 41 **Enterprise Team:** Advise that the supporting Business Plan and Economic Statement are considered an accurate representation of the potential economic benefit of development.
- 42 **Community Greenspace:** No objection. Initial concerns regarding potential impact on public access to the loch shore. This has been addressed through submission of further information which clarifies extent of impact and benefits which the development will bring to the public and associated improvements to facilities.
- 43 **Planning and Housing Strategy:** No objection. Comments provided on policy background of proposal provided, with the proposal generally considered to comply with the Perth and Kinross Local Development Plan 2019.
- 44 **Biodiversity/Tree Officer:** No objection. Advise Ecological Impact Assessment Report findings and mitigation are considered acceptable, subject to conditions. Tree loss is also considered to be appropriate, subject to implementation of a compensatory planting scheme.
- 45 **Commercial Waste Team:** No objection.
- 46 **Environmental Health (Noise/Odour):** No objection. Concerns initially expressed regarding proposed “events” and use of generators and related noise implications. Further information and clarity submitted confirm comfort, subject

to conditions controlling noise levels, the number of events, ventilation, chainsaw use, servicing, noise management and to ensure provision of a complaints procedure.

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

Representations

48 A total of 14 representations were received, 13 objecting and 1 in support. The main issues raised within the objections are:

- Impact on visual amenity
- Impact on residential amenity
- Overlooking
- Light pollution
- Loss of open space
- Noise pollution
- Traffic and pedestrian safety
- Traffic generation
- Lack of car parking
- Loss of public access to shore/site
- Loss of trees
- Impact of evening events
- Lack of compensatory planting
- Construction impact
- Lack of sustainable connections to site
- Land ownership
- Inappropriate land use
- Contrary to Development Plan
- Air pollution
- Over intensive development
- Loss of view

49 The main issues raised within the letter of support are:

- Economic benefit
- Job creation
- Opportunity for world class learning, social action research and education facility
- Positive consultation with local community

50 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

51

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| Screening Opinion | Undertaken and EIA Not Required (ref:21/01903/SCRN) |
| Environmental Impact Assessment (EIA): Environmental Report | Not required |

| | |
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| Appropriate Assessment | Habitats Regulations AA Completed |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact | <ul style="list-style-type: none"> • Landscape and Visual Assessment • Drainage Strategy Report • Tree Survey • Tree Protection Plan • Archaeological Impact Assessment • Business Plan • Economic Statement • Transport Statement • Traffic Survey • Ecological Impact Assessment |

APPRAISAL

- 52 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. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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 which are outlined above.
- 53 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 54 Policy 1 of TAYplan advocates the developing of land within the principal settlements rather than beyond their boundaries. It does however acknowledge the need to sustain rural economies while protecting the countryside, where it genuinely contributes to the outcomes of the Plan. However, suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

- 55 This principle is reflected in LDP2 Policy 6 - Settlement Boundaries, which stipulates that for defined settlements development will not generally be permitted out with settlement boundaries.
- 56 Although the proposal is not located within a settlement boundary and thus fails to comply with Policy 1 of TAYplan and Policy 6 of LDP2 there are exceptions. Particularly in this case through Policy 8: Rural Business Diversification, which states that favourable consideration will be given to the expansion of existing businesses or creation of new ones in rural areas, and that sites out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. It is also stated that proposals for new tourism related developments and the expansion of existing facilities will be supported where it can be demonstrated that they improve the quality of existing facilities, allow a new market to be exploited or extend the tourism season.
- 57 The proposed facilities clearly seek to improve and expand upon the existing offering of the SCC, but at a new location. The submission explains that the existing site is physically constrained with little opportunity for growth. Whereas Dalerb offers more space to allow the SCC to grow and provide an improved visitor facility. The proposal is therefore considered to result in an improvement to the existing facilities of the SCC, as required by Policy 8. This will be considered in more detail below.
- 58 In addition to the above, Policy 8 also requires that the following criteria be addressed:
- a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings;
 - b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns;
 - c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site;
 - d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site;
 - e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities;
 - f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings; and
 - g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- 59 Considering several of these detailed requirements of Policy 8, support is given to the expansion of existing businesses. However, whilst it is more regularly the case that expansion would be within or adjacent to the existing facility, the

applicant has set out the reasons why the current site is no longer appropriate and an alternative sought. Information is also provided on the options which were considered. As such it is considered that the proposal is generally in line with the intentions of Policy 8. Particularly there is clearly a site-specific locational requirement for the siting of the Scottish Crannog Centre adjacent to the loch shore. The proposal would also offer improved tourism and visitor facilities as required by criterion (a).

- 60 The proposal is not considered to result in the ‘suburbanisation’ of the area nor unacceptable or unsustainable travel patterns (as explained in the Traffic and Transport section below), thus addressing criterion (b). In terms of criterion (c) there are residential buildings located to the north, beyond the A827, but given the existing tree cover and the mitigation outlined within the submitted Noise Impact Assessment the proposals are not considered likely to impact significantly on residential amenity. However, detailed assessment of this is provided in the Residential Amenity section below, with impacts, e.g., lighting and noise generation controllable through conditions. The proposal is therefore considered to meet criterion (c). The proposal can also be successfully accommodated within the landscape as illustrated in the Design and Layout and Landscape Impact paragraphs below and therefore meets criterion (d).
- 61 Criterion (e) requires a specific need by virtue of its quality or location in relation to existing business or tourism facilities. It is accepted that the proposal will improve the quality of existing visitor facilities, albeit via relocation, and information has been given on the economic impact of the proposal, how it will be funded, and how the proposal will complement the existing visitor offer in the area. A business plan has been submitted, reviewed and accepted, so this requirement of the policy has been met.
- 62 Criterion (f) requires development to be of a high-quality design and to reflect the rural nature of the site. In this respect the proposed buildings will be scattered amongst existing tree cover and will be of a scale and form which is conducive to the rural character. The Crannog building will be more visible, given it extends into the loch, but this is already the case at Taymouth and not considered unacceptable. The scale of the development and associated work and their relationship with the landscape is considered acceptable, as outlined in the Design and Layout and Landscape Impact paragraphs below. The proposal is therefore considered to meet criterion (f).
- 63 Criterion (g) requires the local road network to be capable of accommodating the development. This is considered in more detail in the Traffic and Transport paragraphs below, where it is considered that the local road network can accommodate the associated traffic.
- 64 As such the proposal is considered to accord with the criteria contained within policy 8 of LDP2.

Design and Layout

- 65 Policies 1A and B relate to placemaking and require new development to respect the character and visual amenity of the area. Furthermore policies 8 and 39 state

that the existing landscape should be capable of accommodating the new development. Further guidance is also provided within the associated Placemaking Supplementary Guidance. There are a number of buildings proposed within the site but these are proposed to be accommodated within the woodland setting of the site and have been laid out to take account of the findings of the topographical, tree and habitat surveys which accompany the application.

- 66 A Landscape and Visual Assessment (LVA) also accompanies the application which provides a zone of theoretical visibility of the development, together with a series of viewpoints and visualisations from various receptors. Viewpoints were agreed within the Planning Authority prior to submission and represent residential, recreational, road and cultural heritage impacts. The findings of the LVA are accepted and the visualisations demonstrate that the visual impacts are appropriate and in accordance with the placemaking requirements of the LDP2.
- 67 The visual amenity of the area will clearly change as a result of the development, with the introduction of a series of low-lying buildings and associated daytime activity together with periodic evening activity. Much of the development is set back from the loch, which enables the retention of existing woodland along the shore side, thus helping to provide screening and containment from users of the loch and those on the southern shore. The scale, form and material of the numerous buildings will nestle appropriately within the existing woodland setting and the proposed finishing materials, including timber, natural stone, turf and thatch roofs are considered high quality and will contribute to the rural setting.
- 68 The outlook from the existing residential properties on the north side of the A827 will change significantly as a result of the development, however existing mature vegetation is proposed to be retained adjacent to the site entrance which will help to provide a degree of screening. Furthermore, following the submission of amended plans a revised landscaping and planting scheme has been prepared which includes enhanced native tree and shrub planting along the northern boundary, screening views of the proposed car park from residential properties. The implementation of this landscaping will be secured by condition (Condition 4).
- 69 The submitted Design Statement demonstrates the various alternative layouts and arrangements considered, with the layout and design of the site as submitted considered the most appropriate, whilst respecting the visual amenity and character of the area.
- 70 As such, the proposal is considered of appropriate scale and design and conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2.

Landscape Impact

- 71 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area, where a good fit with the landscape and, amongst other things, not erode local distinctiveness. Development and land use change should also be compatible with the distinctive characteristics and features of Perth &

Kinross's (P&K) landscape. Generally, proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of P&K. An important consideration is that the site is located within the Loch Tay Local Landscape Area (LLA).

- 72 The criteria contained within Policy 39 seek to safeguard the tranquil qualities of an area's landscape, safeguard local distinctiveness and the visual and scenic qualities. Policy 39 also mentions the requirement to consider the Tayside Landscape Character Assessment (TLCA), prepared by Nature Scot.
- 73 The TLCA identifies this area as part of the 'Mid Upland with Lochs Character Type' and highlights the extent of development which has occurred along the shore of Loch Tay, particularly along the north side and eastern end of the loch. It also identifies the importance of woodland along the loch shore.
- 74 The detailed Landscape and Visual Assessment Report assesses the degree of impact the proposal will have on landscape character. The findings of the LVA, in terms of landscape impact, is that they would be acceptable. Particularly the location within a lowland area adjacent to the loch shore, follows the landscape character of development along the shore of the eastern end of Loch Tay. The proposal also involves the retention of the existing woodland which helps to retain a key landscape element of this part of Loch Tay.
- 75 The findings of the assessment are generally accepted, whereby it is concluded that wider viewed landscape impacts will have minimal/negligible impacts on the landscape character type and the local landscape area designation. In the context of the LLA the reintroduction of the crannog to the loch can be considered a beneficial impact given the cultural and historical significance of the structure and the materials proposed. The use of appropriate materials and green roofs in the new buildings is also supported and will help mitigate the impacts of the development. The workshops appear to be largely in line with those at the previous Crannog centre and are again low impact and appropriate to this landscape.
- 76 The new buildings and associated works are considered to respect site topography and will not have any adverse impact on surrounding local landmarks, views or skylines as demonstrated within the LVA. The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

Traffic and Transport

- 77 Policy 60B of the LDP2 and the National Roads Development Guide are relevant and require an assessment of the impact which the development may have on pedestrian and traffic safety. The policy requires a Transport Statement to demonstrate the extent of traffic movements for both staff, visitors and servicing to the site and should be based on the TRICS database. All required demonstrate the current baseline situation with traffic counts for all modes of transport to the site, accessibility by all modes of transport including active travel, trip generation for the site, distribution of traffic to the site and a traffic impact assessment on the local roads.

- 78 A Transport Statement (TS) has been submitted and outlines the implications on the road network.
- 79 The TS provides an indication of the existing operational characteristics of the site, the existing road network and details on the proposed offering and transport arrangements for the proposed development. It also includes trip generation data based upon the TRICS database, an industry recognised standard in assessing potential traffic generation. PKC Transport Planning have confirmed that the TS has been undertaken using the correct methodology.
- 80 The level of traffic generation for the development site has been estimated on a forecasted visitor trip number of 80,000 by 2040. The TS indicates that the development will generate an estimated 100 visitor trips per day. A traffic survey has also been undertaken which shows that there is currently a low level of traffic on the A827. Transport Planning have also undertaken a review of publicly available data in relation to traffic flows, in addition to the submitted information, and have concluded that the road network can accommodate the development.
- 81 Discussions between the applicant and Perth & Kinross Council (including Traffic and Network) have taken place over the promotion of a 40mph speed limit on the A827 and it is the intention to promote a 40mph speed limit at Dalreb, to suit the proposed junction and visibility arrangements. A condition is recommended to ensure this is implemented and in place prior to the development being brought into use (Condition 23).
- 82 Proposed parking arrangements include 8 electric vehicle (EV) charging spaces.
- 83 It is also proposed to include 15 cycle parking spaces, located at the 'welcome' building. Ten e-Bike charging points are included, which is welcomed to encourage visitors to cycle.
- 84 There are also east and west bound bus stops located immediately adjacent to the site access which are served four times a day. The submission also indicates that the intention to operate a peak season shuttle bus, as part of phase 2, from Kenmore – but this does not form part of the current application.
- 85 The existing vehicular access is to be upgraded to improve visibility, with a condition recommended to ensure delivery (Condition 22).
- 86 Transport Planning have assessed the TS and consider the level of additional traffic to be acceptable, capable of being accommodated on the existing road network and therefore accept the conclusions. Conditions are recommended to ensure implementation of the mitigation and improvements proposed and to secure a Travel Plan Framework for the site to manage travel and transport to and from the site (Conditions 24 and 25).
- 87 Overall, the proposal is acceptable in terms of traffic and road safety and therefore accords with Policy 60B of LDP2.

Trees and Landscape

- 88 Policy 40B of LDP2 relates to trees and woodland and requires a tree survey accompany proposals where there are existing trees which may be affected.
- 89 Policy 40B also notes the Council will follow the Scottish Government Policy on Control of Woodland Removal (PCWR) which states that there is a presumption in favour of protecting woodland resources.
- 90 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which can absorb the development proposed and that development contributes positively to the surrounding built and natural environment. In this respect it is considered that the site has a suitable landscape framework in the form of the existing trees, woodland and topography.
- 91 The site is also generally contained by woodland which would be largely retained. There are 15 tree groups within the boundaries, six are to be removed, one due to its condition. This would see 27 trees felled, five due to their condition the rest to accommodate the development. In mitigation 66 native trees are to be planted along the northern boundary. These will help to screen development from the A827 and adjacent residential properties. The extent of compensatory planting is considered to be appropriate, and its implementation can be secured by condition (Condition 4). It should also be noted that this is only phase 1 of a wider project, thus there may be opportunity for additional compensatory planting. Furthermore, it is noted that the applicant has limited the amount of planting proposed around the car parking area, given this aspect may be temporary and over the mid to longer term replaced in phase 2 with additional built development and alternative car parking arrangements presented. All of this would be subject to assessment as part of any future application.
- 92 A condition is recommended to ensure the findings and mitigation contained within the tree report and tree protection measures are implemented (Condition 2). A further condition requiring the implementation of the landscaping plan is also recommended, to compensate for the tree loss (Condition 4).
- 93 Subject to the above conditions the proposal is considered to accord with Policies 1A and B relating to placemaking and 40B relating to trees and woodland of LDP2.

Biodiversity

- 94 Policy 41 of the LDP2 states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. Loch Tay is designated as part of The River Tay Special Area of Conservation (SAC) and therefore Policy 38A is applicable.
- 95 The submission includes an Ecological Impact Assessment Report (EIAR) which has been reviewed and accepted by the Council's Biodiversity Officer. This

includes a survey of all potential species on the site as well as an aquatic survey, given the loch shore location. Furthermore, Nature Scot and SEPA have also been consulted and have concluded that the assessment is appropriate subject to the mitigation measures contained within the EIAR being secured by condition (Condition 5). A detailed Construction Method Statement will also be required to ensure that the qualifying features of the SAC are not impacted upon during construction operations. This will also require details on how wastewater is catered for during construction, as requested by Nature Scot (Condition 7).

- 96 A Non-Native/Invasive Species Control Plan will also be secured by condition (Condition 6). A further condition (Condition 9) to ensure ramps to allow mammals to escape from any excavations will also be applied. Finally, a condition to secure biodiversity enhancement across the site in accordance with the measures outlined within the ecology report is also recommended (Condition 8).
- 97 An Appropriate Assessment has been undertaken, reflecting the River Tay is an SAC, and concludes that there is likely to be significant effect on the qualifying features of the SAC but that these can be suitably addressed through the use of an appropriately worded condition controlling construction methods (Condition 7).
- 98 The submitted lighting scheme has been designed to minimise upward light pollution as well as being an appropriate colour temperature to ensure there is no impact on wildlife.
- 99 Subject to these conditions it is considered that the proposal will meet the requirements of Policies 38A and 41 of LDP2 in relation to the SAC and Biodiversity.

Flood Risk

- 100 Policy 52 of the LDP2 states that there is a presumption against proposals for built development or land raising on flood plains. This proposed phase is located out with the 1 in 200 year functional flood plain and therefore both SEPA and the Council's Structures and Flooding Team are content. The proposal is therefore considered to accord with Policy 52 of the LDP2.

Drainage

- 101 The submission indicates that the site will be served by private drainage arrangements. Policy 53B seeks to ensure that a public wastewater drainage connection is utilised where available. In this instance there is a public system available at Kenmore, but not within the immediate vicinity of the site. Given this the principle of a private drainage system is considered acceptable. The developer, however, should be aware of the regulatory requirements under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and should be aware that early engagement with SEPA's water permitting team is recommended to ensure the requirements of these regulations are met. Details of proposed foul sewage for the construction phase have been submitted. These are acceptable in principle but again SEPA have indicated that

there are separate regulatory requirements which the developer should be aware of. An informative is recommended to make the developer aware.

- 102 Policy 53C requires surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS). The Drainage Report indicates that SUDS will be accommodated within the site which is considered to accord with Policy 53C. There is also a requirement to manage surface water during the construction phase of the development and this can be secured through the Construction Method Statement which is referenced above.

Private Water Supplies

- 103 The submission indicates that the site is proposed to be served by a private water supply provided via a borehole. The use of a private water supply is considered to be acceptable in principle and accords with the LDP2, however there are separate legislative processes to ensure that the private water supply is appropriate.
- 104 The Council's Private Water Team have indicated that there are existing private water supplies in the vicinity, which could be impacted upon by the development. Therefore, an informative is recommended to advise the developer of their responsibilities regarding private water supplies under the relevant regulations.

Cultural Heritage

- 105 There are a significant number of cultural heritage designations in the surroundings, including Kenmore Conservation Area to the east which includes a number of listed buildings. The Taymouth Castle Historic Garden and Designed Landscape (HGDL) is located to the north, on the opposite side of the A827 public road. Therefore, Policies 27A, 28A and 29 of the LDP2 are applicable. The LVA demonstrates that the site does have some visibility from the settlement of Kenmore but this is c.1km distant and the existing tree cover ensures that views will be limited. Therefore, the proposal is not considered to impact on the character of the Conservation Area or the setting of listed buildings within Kenmore and therefore complies with Policies 27A and 28A.
- 106 Historic Environment Scotland have been consulted given the proximity to the HGDL and offered no objection. The extent of development proposed and the location of the site next to the western edge of the HGDL is considered sufficient to ensure the character and quality of the HGDL is not impacted upon by the development. The proposal is considered to accord with Policy 29 of the LDP2.

Residential Amenity

- 107 Policy 56 of the LDP2 relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels of noise in the locality of existing noise sensitive land uses.
- 108 Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

- 109 As with all proposals, it is expected and anticipated that existing residential amenity enjoyed by existing dwellinghouses will be protected. There are residential dwellings located to the north of the site and because of this a Noise Impact Assessment (NIA) accompanies the application.
- 110 The NIA makes reference to "events" to be held on the site and representations raise concerns regarding what these will entail and the noise which may be generated. Environmental Health (EH) are aware of noise from a wedding event which took place on the site prior to submission of the application, which resulted in noise which impacted on residential amenity this is referenced in representations. Environmental Health consider the methodology of the NIA to be appropriate. Further information has been submitted on the proposed events, advising they would generally consist of: storytelling, songs, open-air theatre, and demonstrations of traditional crafts. That they would be acoustic only, with no amplified music and/or speech. There could be up to 15 events per year, with 12 finishing before 9pm and the remaining three by 10.30pm. Further information has stated that generators (included in the predicted noise levels within the NIA) will not be required during these events. The number of events and their type are considered acceptable and are not likely to impact significantly on residential amenity. A condition is recommended to ensure there is control over the number and times of these events and to ensure that no amplified music or speech takes place (Conditions 13 and 17).
- 111 The submission makes reference to the use of chainsaws, to prepare wood for craft displays, and the NIA concludes that the noise levels will be significantly above measured ambient noise levels and advises that the hours of use should be restricted and screened from receptors. Due to this impact EH have recommended a condition to limit the use of chainsaws to a one-hour period per day and to ensure acoustic screening is put in place is undertaken out with these agreed periods (Condition 18).
- 112 A series of other conditions are also recommended to control servicing and deliveries (Condition 12), noise levels (Conditions 14 and 19) and to ensure the submission of a Noise Management Plan and implementation of a complaints procedure (Conditions 20 and 21).
- 113 Given the location of the buildings within the site and the site topography which slopes away from the residential dwellings to the north, there are not considered to be any concerns relating to overlooking or overshadowing from the development.
- 114 Whilst it is accepted that activity on the site will increase as a result of the development and that the residential amenity of the neighbours to the north will alter as a result, the extent of change is considered to be acceptable and in accordance with the requirements of Policies 1A and B and 56 of the LDP2. Mitigation can be secured by the conditions referenced above.

Lighting

- 115 Policy 55 of LDP2 relates to light pollution and states that consent will not be granted for proposals where lighting would result in obtrusive and/or intrusive effects.
- 116 The original plans indicated that 29 x 4m high lighting columns would be installed, but further information received from the applicant advises that this has been reduced to 10. Specifically, those next to the northern boundary are replaced by low level bollard lighting, to reduce the impact on residential neighbours.
- 117 The submission also includes a light spill plan demonstrating the illuminance resulting from the lighting and demonstrates that it will not significantly impact on nearby residences and that no light spill will occur beyond site boundaries. The extent of lighting proposed is thus considered acceptable and will help to limit light pollution as much as possible, whilst ensuring the safety of employees and patrons of the visitor centre.
- 118 For the avoidance of any doubt a condition is recommended to control lighting levels (Condition 16).
- 119 The proposal is therefore considered to accord with Policy 55 of the LDP2.

Construction and Construction Access

- 120 There is potential for construction operations and construction traffic to impact the amenity of local residents. It is therefore necessary to consider appropriate mitigation measures during construction to limit this. It is accepted that there will be a degree of temporary disturbance during construction operations, as is regularly the case with any development proposal. There is separate legislation in place which provides controls on construction hours. A Construction Traffic Management Plan will be requested by condition to ensure the extent of impact is limited as much as possible (Condition 26).

Public Access to Loch Shore

- 121 The site currently provides access to the loch shore for various recreational users including walkers, swimmers and boat users. Policy 15 of the LDP2 is applicable. Representations have been received which raise concerns regarding the reduction in public access to the shore. The Council's Community Greenspace Team also initially identified these concerns.
- 122 The developer has indicated that they are committed to maintaining access to the loch and picnic area at Dalerb. The submission indicates that 82.5% of the Dalerb site will remain accessible to the public with only 17.5% comprising the new Crannog Centre. Furthermore, it is indicated that public access will be maintained during construction and a phasing strategy has been provided to demonstrate this (doc ref: 15-17)
- 123 There is a beach in the sites south-west corner, referenced within representations and where the crannog is proposed. The applicant's agent has clarified that the

crannog is located here as it represents the most technically feasible option, results in limited tree loss and limits archaeological impacts.

- 124 A series of marked improvements will be delivered as part of the development for use by the public including: improved parking facilities, with electric car and cycle charging points; upgraded footpaths and public toilets; and an accessible shower room. There is also a separate dedicated new boat mooring proposed. Furthermore, the presence of the Crannog Centre will potentially deter anti-social behaviour, via an on-site presence and also maintain a clean and litter free environment.
- 125 On balance, whilst it is accepted that public access to part of the site will be lost this is not considered to be unacceptable when considered against the overall improvements which will result and the retention of public access to much of the site. Community Greenspace, following review of the above information, have confirmed they have no concerns in relation to public access.

Archaeology

- 126 Policy 26B of the LDP2 states that the Council seeks to protect areas of known archaeological interest and their settings. The site is archaeologically sensitive and Loch Tay contains and wealth of information on crannog structures. Some initial concerns had been expressed by Perth and Kinross Heritage Trust regarding the impact which the new crannog structure may have on underwater archaeological remains. As a result, a Written Scheme of Investigation has been prepared which outlines a desk-based assessment of marine archaeology. This has been accepted by (PKHT) and they are content for development to proceed subject to a condition which ensures that a programme of archaeological investigation is undertaken (Condition 11). Subject to this condition the proposal is considered to comply with Policy 26B of the LDP2.

Waste

- 127 Waste storage facilities are indicated on the submitted plans and Waste Services have confirmed that these are acceptable. Furthermore, swept path details for waste vehicles have been provided and are acceptable. Therefore, the arrangements for waste storage and collection are appropriate.

Economic Impact

- 128 The objective of Scotland's National Strategy for Economic Transformation is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 129 It is considered that it is undoubtable that there will be some economic benefit associated with the operation of the new Scottish Crannog Centre, but this must be seen in the context of the spatial strategy and general policies of the Local Development Plan.

- 130 When looking at Economic Development Policy 8: Rural Business and Diversification, the submission is considered by Economic Development colleagues to be sufficient to demonstrate that the proposal is an appropriate rural business development in accordance with Policy 8 of LDP2.

Active Travel Route

- 131 The submission makes reference to a potential active travel route between the site and Kenmore, to promote sustainable travel given the limited scope to walk to the site from Kenmore along the A827, as there is no footway. The proposed phasing of this is outlined within the Design Statement and indicates that this could potentially be routed through the Drummond Hill Wood to the north, with a crossing point over the A827 identified. This, however, does not form part of the current submission. A feasibility study is being undertaken to assess the viability of this route, given the gradients. The Design Statement references this being an extension to the River Tay Way, a proposed new long distance active travel route between Perth and Kenmore. It is envisaged that the active travel route would be submitted as part of a separate planning application in line with phase 2 of the development. Nevertheless, the proposal does involve facilities for active travel users on the site which is welcomed.

Low Carbon Technology

- 132 Policy 32 (Embedding Low and Zero Carbon Generating Technology in New Development) seeks to ensure that all proposals for new buildings are required to demonstrate that at least 10% of the current carbon emissions set by the Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technologies. A statement to demonstrate this will be required, as previously highlighted as part of the pre-application response. This can be secured by condition (Condition 10).

Loss of View

- 133 The loss of a view is not a material planning consideration and therefore has no bearing on the assessment of this application.

Developer Contributions

- 134 There are no developer contributions required for this development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 135 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the compensatory planting lighting and clarity being provided on public access to the loch shore. The nature of the changes were not considered to require the application to be re-advertised.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 136 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 137 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to Policies 1 and 6 of the Development Plan because the site is located out with a settlement, however there are exceptions for this which are catered for by Policy 8 which allows for development out with settlements subject to meeting specific criteria. These criteria are met by this proposal and account has been taken of other relevant material considerations and therefore a minor departure from the Perth and Kinross Local Development Plan 2 (2019) is considered to be appropriate in this instance.
- 138 Accordingly, the proposal is recommended for approval subject to the following conditions:

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction and in accordance with the mitigation outlined within the approved tree survey (doc ref:52). Protection measures, once in place, shall remain in place for the duration of construction.

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

3. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

4. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become

established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 103 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

6. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

7. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to and approved in writing by the Council as Planning Authority. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including surface water 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.
- (e) measures to cater for waste water during construction

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

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

8. Prior to the commencement of development on site a Site Biodiversity Action Plan which lists opportunities for Biodiversity Enhancement shall be submitted

to and approved in writing by the Planning Authority. The Action Plan shall include details of quantity, locations, techniques, timescales and monitoring arrangements for the biodiversity enhancement measures outlined within the Ecological Impact Assessment Report (doc ref: 103). The Action Plan, as approved in writing, shall be fully implemented for the lifetime of the development.

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

9. 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 150mm outside diameter being blanked off at the end of each working day.

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

10. Prior to the commencement of development a detailed statement shall be submitted for the approval of the Council as Planning Authority which 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. The approved measures shall thereafter be implemented to the satisfaction of the Council as Planning Authority.

Reason – In order to demonstrate compliance with both Policy 32 of the local development plan and the carbon emissions reduction set by Scottish Building Standards.

11. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. 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 – To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

12. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

13. No amplified music or speech shall be permitted in any external area at any time.

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

14. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.

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

15. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken within the cafe shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

16. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

17. The maximum number of events held within any external area shall be restricted to 15 per calendar year. Up to three events per calendar year must cease operation by 2230hrs. The remaining twelve events must cease operation by 2100hrs.

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

18. The use of chainsaws shall be restricted to one hour per day. This hour-long period is restricted to between 0900-1700 Monday to Friday only. Any use of chainsaws out with these hours or for prolonged periods shall be discussed in advance with the Planning Authority and details of acoustic screening to be utilised shall be submitted for the written approval of the Planning Authority. The acoustic screening, as agreed in writing with the Planning Authority, shall remain in place for the duration of the chainsaw use.

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

19. Between 0700hrs and 2300hrs noise from the premises shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics, when measured at any residential property in accordance with BS4142:2014

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

20. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

21. In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to be approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for implementation will be submitted to the Planning Authority within 28 days of the assessment. All mitigation measures shall then subsequently be implemented in accordance with the agreed timescales.

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

22. Prior to the commencement of the development hereby approved, full visibility splays of 120 metres shall be provided to the left and right of the access, at a set-back of 2.4 metres measured 1.05m above the road level, insofar as the land is in the control of the applicant, and thereafter maintained.

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

23. Prior to occupation and/or use of the development hereby approved the applicant shall promote a Traffic Regulation Order (TRO) for a reduced speed limit on the A827 for a distance to be agreed with the Council as Roads Authority. The speed limit on the A827 public road shall be reduced to the agreed limit and distance prior to the occupation and/or use of the development.

Reason – In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design for the proposed secure cycle parking facility for a minimum of 30 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

25. No part of the development shall be occupied until a Staff Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transport Planning. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

26. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;

- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer 's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason – In the interest of proper site management.

B JUSTIFICATION

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

C PROCEDURAL NOTES

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. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

6. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.
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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The developer should be aware of the regulatory advice under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 contained within SEPA's consultation response dated 21 July 2022.
9. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
10. 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.

Background Papers: 14 letters of representation

Contact Officer: John Williamson

Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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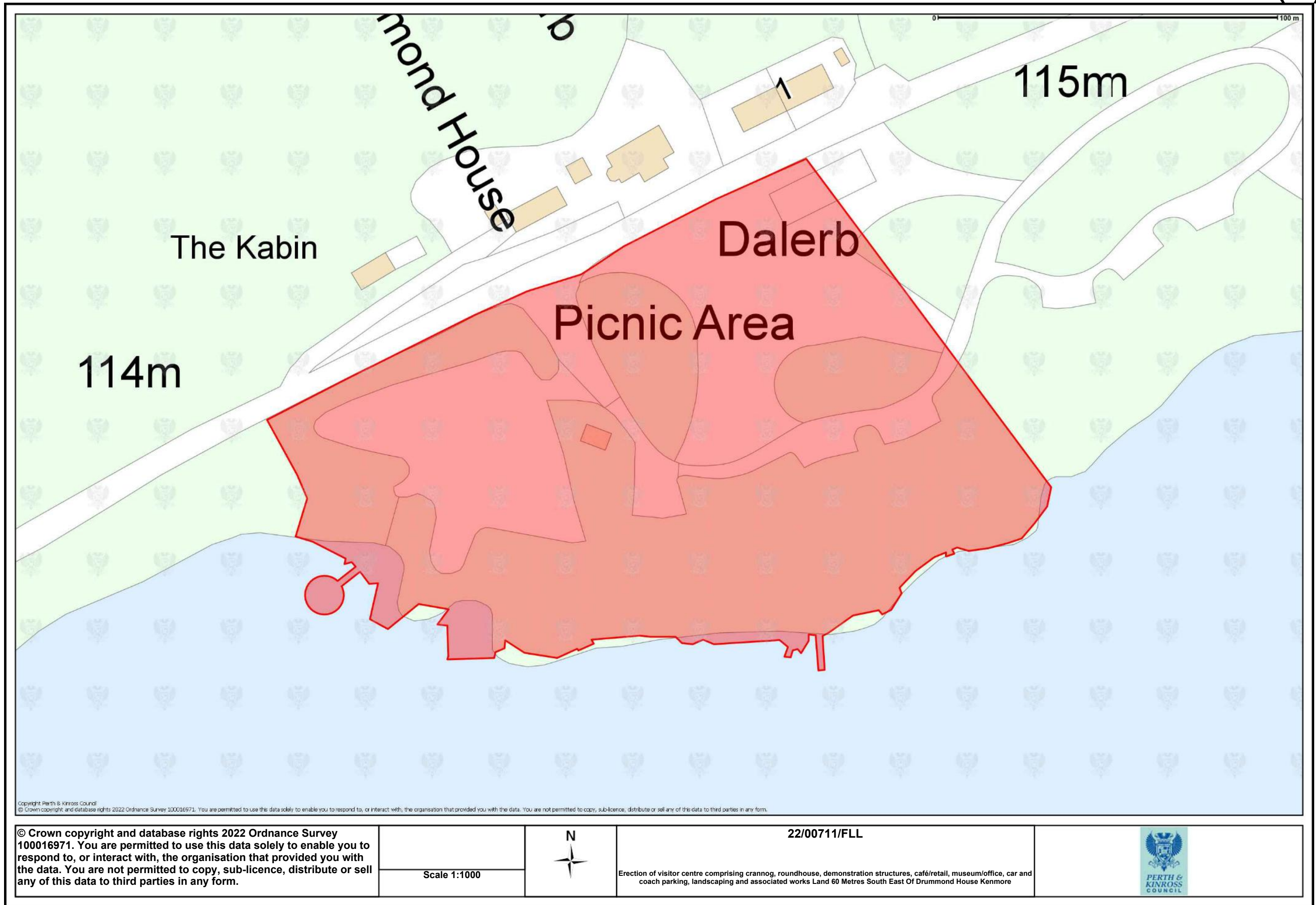
Scale 1:10000



22/00711/FLL

Erection of visitor centre comprising crannog, roundhouse, demonstration structures, café/retail, museum/office, car and
 coach parking, landscaping and associated works Land 60 Metres South East Of Drummond House Kenmore





Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/221)

| | |
|------------------|---|
| PROPOSAL: | Residential-led development with associated open space, play area and potential associated community facilities, landscaping, access and associated works |
| LOCATION: | Land 350 metres North-West of Davis Park, Springfield Road, Kinross |

Ref. No: [22/00018/PAN](#)

Ward No: P8 – Kinross-shire

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for residential-led development with associated open space, play area and potential associated community facilities, landscaping, access and associated works at land 350 metres North-West of Davis Park, Springfield Road, Kinross. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 15 July 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for land 350 metres North-West of Davis Park, Springfield Road, Kinross. This pre-application report gives the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
2. This PoAN seeks to formally establish a major development comprising residential-led development with associated open space, play area and potential associated community facilities, landscaping, access and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the proposal, it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request (22/01300/SCRN) has been submitted and is currently under consideration.

PRE-APPLICATION PROCESS

4. The PoAN (reference 22/00018/PAN) confirmed that two online public consultation events will take place and a dedicated website will also provide relevant information and opportunity for comments. In addition, Kinross Community Council and the Ward Councillors have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

6. 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 a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the ongoing programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

7. 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
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - 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
8. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:

- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

9. 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”

10. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
 - Policy 1 – Location Priorities
 - Policy 2 – Shaping better quality places
 - Policy 4 – Homes
 - Policy 6 – Developer Contributions

Perth and Kinross Local Development Plan 2019

11. The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

12. 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.”

13. Under the LDP2, the following policies are of particular importance in the assessment of this application:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1C: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries

- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

OTHER POLICIES

14. The following supplementary guidance and documents are of particular importance in the assessment of this application:

- [Placemaking Supplementary Guidance \(March 2020\)](#)
- [Developer Contributions and Affordable Housing Supplementary Guidance \(July 2020\)](#)
- [Flood Risk and Flood Risk Assessment Supplementary Guidance \(March 2021\)](#)

PLANNING SITE HISTORY

15. In terms of the LDP history, the site was promoted in LDP1 for residential development and included within the proposed plan. The Council in its submission to the Examination acknowledged the volume of community support for the removal of H46 from the Plan and acknowledged some unresolved issues in relation to noise and access. The reporter concluded that it should be removed from the plan and allocated as open space instead.

16. The site was promoted again for inclusion within LDP2 for residential development but was rejected at the Main Issues Report stage as there were better options for housing land allocations available elsewhere and because of access and open space issues. It was not included within the proposed plan for LDP2 but was considered by the reporter during the Examination as the landowner objected to its non-inclusion. The reporter concluded that the site should not be allocated for residential development and that it should not be included in the settlement boundary.

CONSULTATIONS

17. As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust (PKHT)
- Kinross Community Council

Internal

- Environmental Health
- Planning and Housing Strategy
- Developer Contributions Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

18. The key considerations against which the eventual application will be assessed include:
- a. Principle
 - b. Visual Impact
 - c. Scale, Design and Layout
 - d. Relationship to Nearby Land Uses
 - e. Natural Heritage and Ecology
 - f. Landscape and Open Space
 - g. Flooding and Drainage
 - h. Air Quality
 - i. Transport
 - j. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

19. Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment
- Noise and Vibration Impact Assessment
- Air Quality Impact Assessment

CONCLUSION AND RECOMMENDATION

20. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

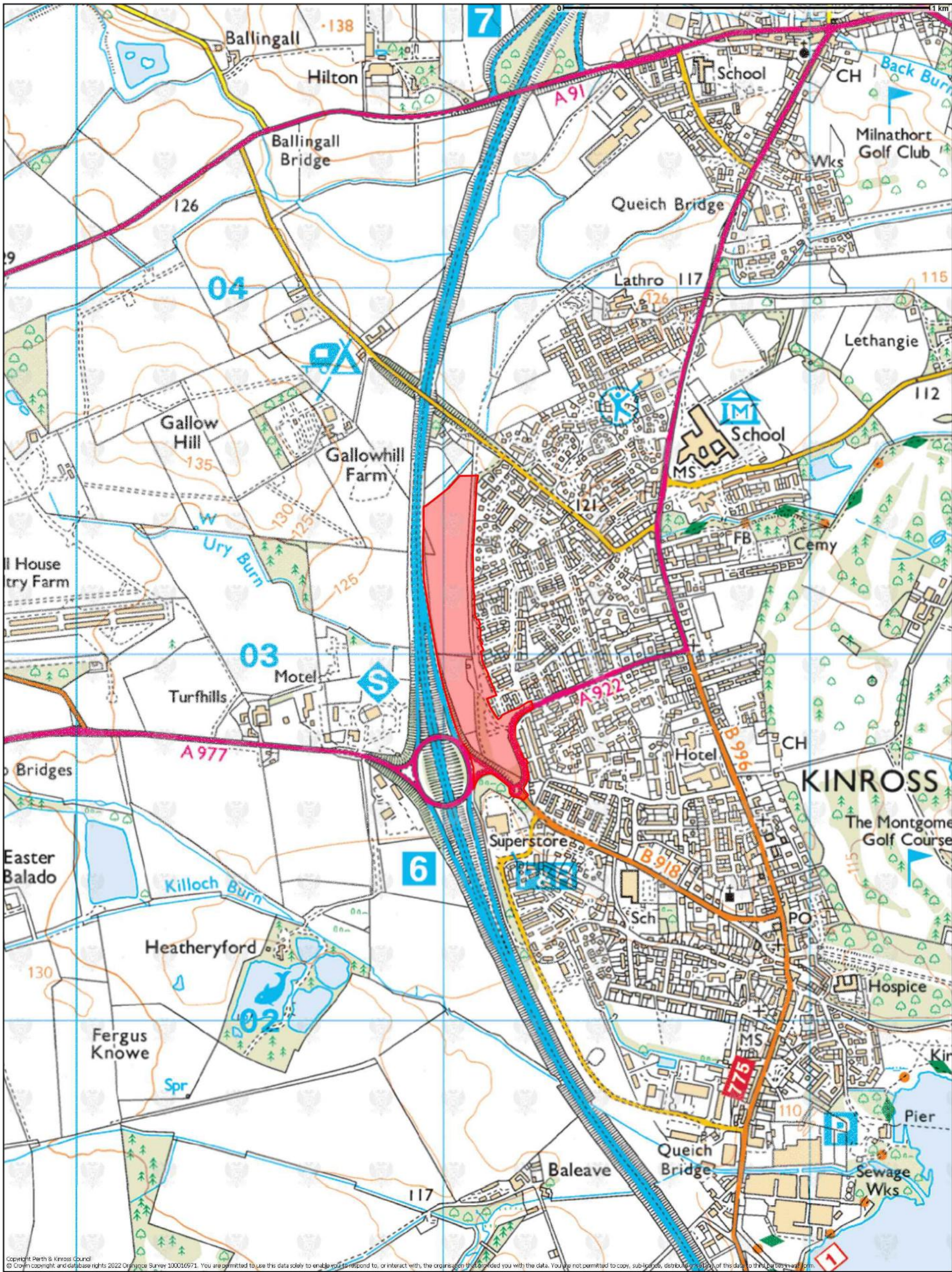
Background Papers: None
Contact Officer: Alex Gudgeon
Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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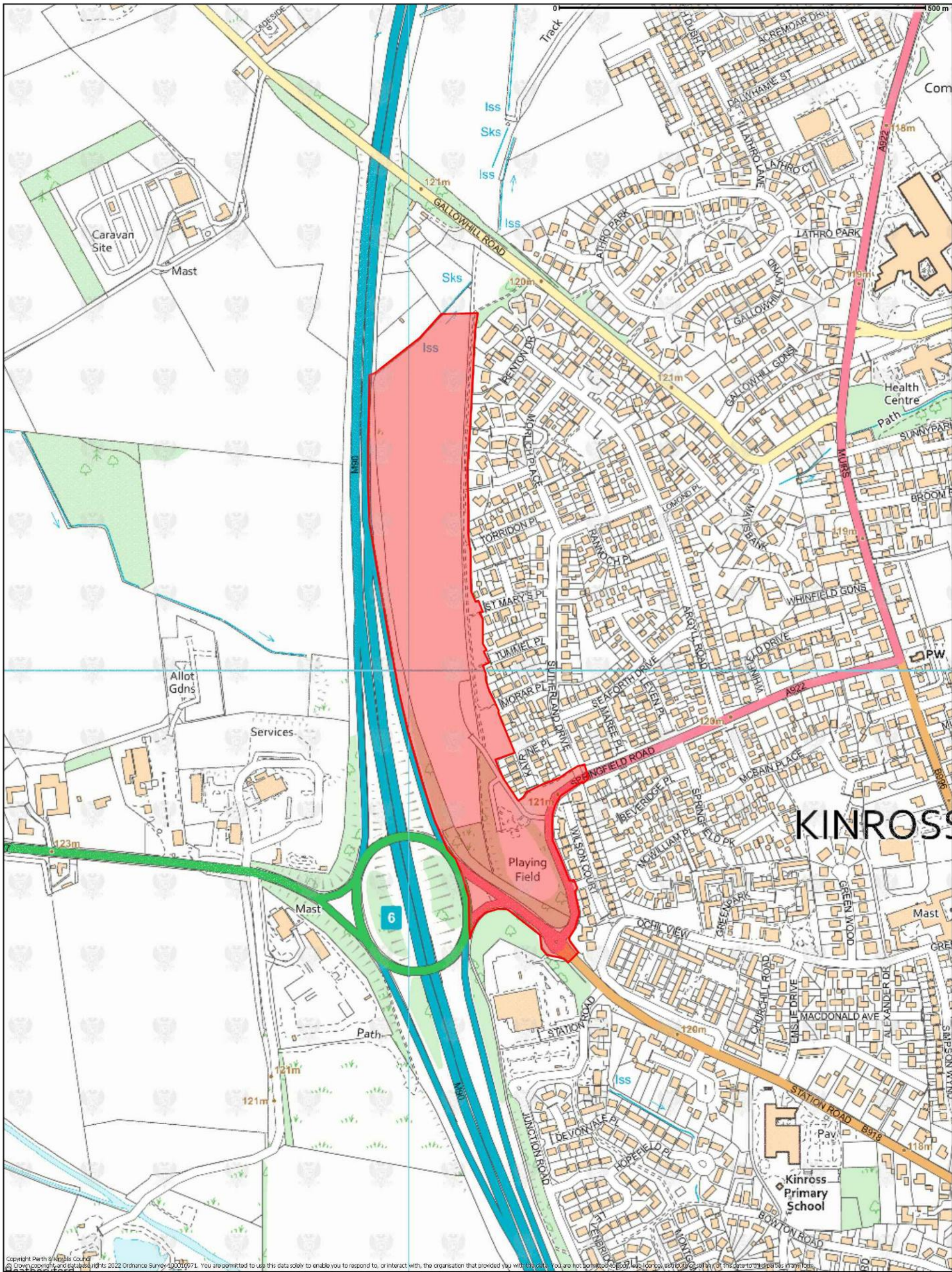
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22/00018/PAN

Residential development, formation of open space, landscaping and associated works Land 350 Metres North West Of Davis Park Springfield Road Kinross





KINROSS

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22/00018/PAN

Residential development, formation of open space, landscaping and associated works Land 350 Metres North West Of Davis Park Springfield Road Kinross



Perth and Kinross Council
Planning & Placemaking Committee –14 September 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/222)

PROPOSAL: Change of use from agricultural land to form extension to caravan park

LOCATION: Land 200 Metres north east of Erigmore Caravan Site, St Mary's Road, Birnam

Ref. No: [22/00019/PAN](#)

Ward No: P5 – Strathtay

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development seeking a change of use of land from agricultural land to land for an extension to a caravan park. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant has submitted a Proposal of Application Notice (PoAN) on 22 July 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in for Verdant Leisure 2 Limited seeking a change in use of land from agricultural land to land for an extension to an existing caravan park. The development location is on land 200 metres North East of Erigmore Caravan Site, Birnam. Continued use of the existing operational caravan site is proposed. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
2. This PoAN seeks to formally establish this major development comprising a change in use of land, forming an extension to an existing caravan park. The plan boundary extends to approximately 4.58 hectares and seeks to occupy the North-Western section of an existing agricultural field located between Birnam and the River Tay to the North. The exact scale and design of the development will be arrived at during ongoing discussions with the applicant.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the development it requires to be screened as to whether the proposal is EIA development under the EIA 2017 Regulations. This will be a matter for further consideration.

PRE-APPLICATION PROCESS

4. The PoAN confirms that two in person public events are to be held at Erigmore House, Birnam on 1 and 28 September 2022, between 3pm and 7pm. The local MP, MSP, Ward Councillors and the Dunkeld and Birnam Community Council have all been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

6. 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 a 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 (SPP)

7. 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Promoting Responsible Extraction of Resources: Paragraphs 234 – 248
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
8. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
 - PAN 1/2011 Planning and Noise

- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN1/2013 Environmental Impact Assessment
- 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 65 Planning and Open Space
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

9. 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 plan 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”

10. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2 – Shaping Better Quality Places
- Policy 3 – A first Choice for Investment
- Policy 6 – Developer Contributions

Perth and Kinross Local Development Plan 2019

11. The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

12. 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.”

13. Under the LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions

- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome/ Campervan, and Camping Sites
- Policy 14A: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 26B: Archaeology
- Policy 29: Gardens and Designated Landscapes
- Policy 38B: Environment and Conservation - National designation
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

14. The following supplementary guidance and documents are of particular importance in the assessment of this application: -

- Perth and Kinross Air Quality Supplementary Guidance, January 2020
- Perth and Kinross Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Planning Planning for Nature, Development Management and Wildlife Guide Supplementary Guidance, April 2022
- Perth and Kinross Local Transport Strategy (2010)
- Perth and Kinross Supplementary Guidance: Developer Contributions and Affordable Housing, 2020
- Perth and Kinross Supplementary Guidance: Landscape, February 2020
- Perth and Kinross Supplementary Guidance: Placemaking Guide, March 2020

RECENT PLANNING SITE HISTORY

15. 07/00828/FUL: Full Planning permission was granted on 10 July 2007 for the formation of 3 static caravan pitches
16. 21/00334/PREAPP: Extension to Leisure Park – advice provided 21 October 2021.

CONSULTATIONS

17. As part of the planning application process the following would be consulted: -

External

- Scottish Environmental Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust
- Dunkeld and Birnam Community Council
- Historic Environment Scotland

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Contributions Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

18. The key considerations against which the eventual application will be assessed include:

- Visual Impact
- Scale, Design and Layout
- Relationship to Nearby Land Uses
- Natural Heritage and Ecology
- Landscape and Site modifications
- Water Resources and Soils
- Air Quality
- Noise and Vibration Impacts
- Transport Implications
- Impact on Agriculture
- Archaeology and Cultural Heritage
- Impact upon Garden and Designed Landscape

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

19. The following supporting documents will need to be submitted with any planning application and should form of any EIA report:

- Planning and or Suitability Statement

- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Landscape and Visual Impact Assessment, including cumulative impacts
- Transport Assessment
- Flood Risk and Drainage Assessment
- Noise and Vibration Impact Assessment
- Impacts on Climate Change and Greenhouse Gasses
- Impacts on Land Capacity and Soils
- Ecological Impact Assessment / Information to inform a Habitat Regulations Appraisal
- Archaeological Assessment

CONCLUSION AND RECOMMENDATION

20. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None
 Contact Officer: Jamie Torrance
 Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

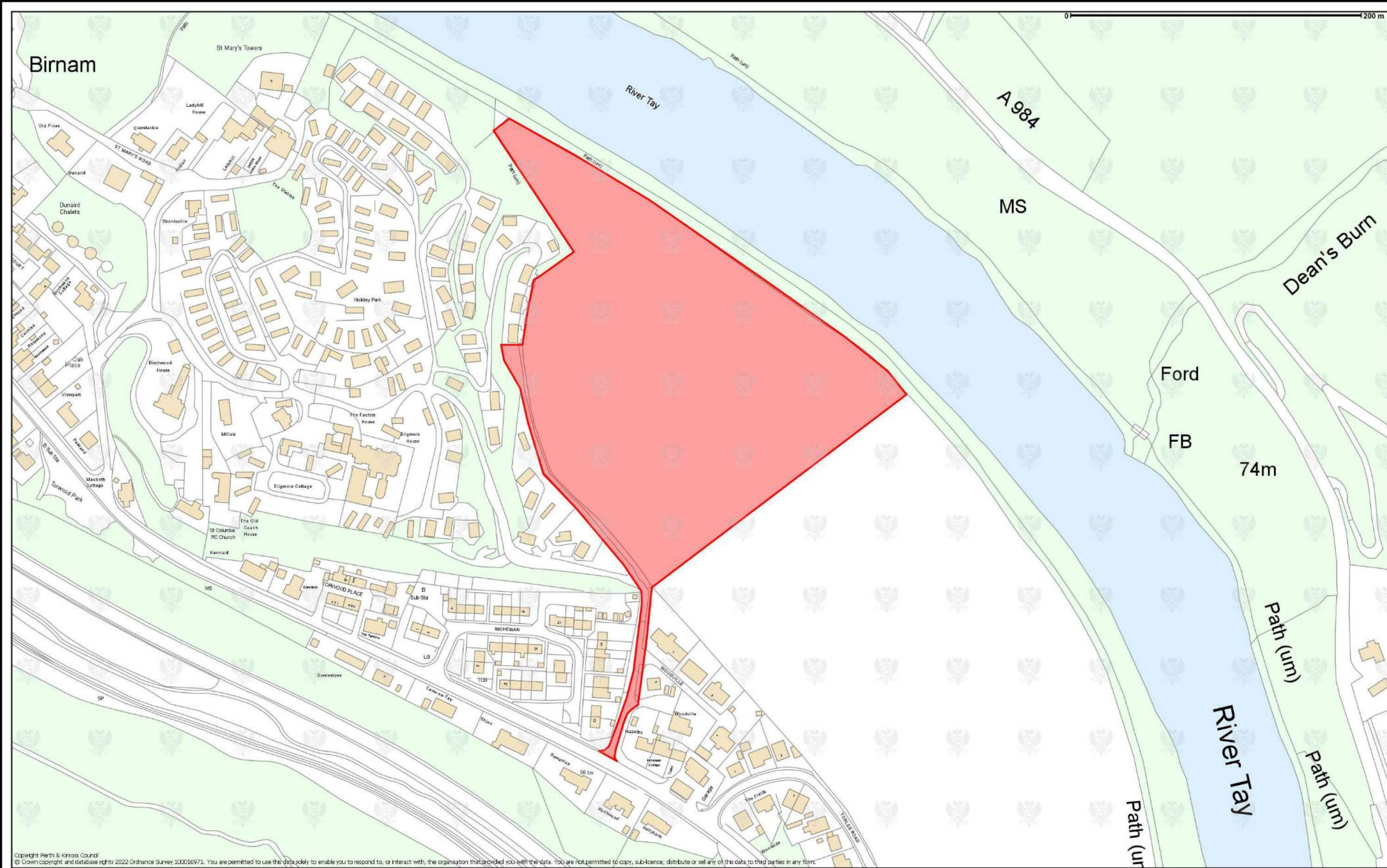
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