

Perth and Kinross Council
Planning & Development Management Committee – 16 February 2022
Report of Handling by Head of Planning & Development (Report No. 21/31)

PROPOSAL: S42 application to delete Condition 3 (Broxden traffic assessment) of permission 19/02033/IPM

LOCATION: Land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth

Ref. No: [21/01795/IPM](#)

Ward No: P11 - Perth City North

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 The site comprises approximately 15 hectares (ha) of agricultural land, bordered primarily by Inveralmond Industrial Estate to the north (across Ruthvenfield Road) and to the east. The B993 Bertha Park link road defines the western boundary and links with a roundabout to the north-east and from which access is available to Ruthvenfield Road (east and west), north to Bertha Park and an eastern leg which will, in time, serve the Almond Valley development and provide a link eventually south to the A85. This recently completed road infrastructure also forms part of the first phase of the Cross Tay Link Road (CTLR) project – the A9/85 junction. The A9(T) itself and associated access/exit slips lie a short distance to the south. Also, to the north-west, across Ruthvenfield Road, is the Double Dykes Gypsy/Traveller facility.
- 2 The application site itself forms just under 65%, and thus the majority, of the Local Development Plan 2 (LDP2) allocation known as ‘E38’ (23.6ha), which is identified for employment uses. This application relates to a condition applied to Planning Permission in Principle (PPP) approved in January 2021 (19/02033/IPM). That permission allows a mix of Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses and related access, landscaping, drainage and other infrastructure. One of the related planning conditions (Condition 3) requires the applicant to assess the traffic impact of the proposal on the safe operation of the A9 Broxden Roundabout and ascertain if any mitigation measures are required. The wording of Condition 3 is:

“As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an assessment of the potential impact that the development would have on the safe and efficient operation of the A9 Broxden Roundabout shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with Transport Scotland.”

Where the conclusions of the assessment identify that the potential impact of the development is considered significant by Transport Scotland, the applicant shall be required to agree, before the commencement of development, appropriate mitigation for the A9 Broxden Roundabout to address this impact.

Reason -To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.”

- 3 The applicant is now seeking permission to remove Condition 3, as it is considered that its requirements have now been addressed by the submission of supplementary information and the agreement of Transport Scotland that confirms that the impact of the development on peak traffic flows at the roundabout would be negligible. Although this additional information could be submitted with any AMSC or detailed planning application, the applicant wishes to remove the burden placed by this condition prior to any detailed submissions, creating clarity and certainty on the issue.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The development approved under 19/02033/IPM is of a type listed within Schedule 2 of the EIA Regulations and has previously been subject of EIA screening (18/01958/SCRN). Through this screening opinion the Planning Authority adopted an opinion that the proposal was EIA development, and an EIA Report was duly submitted as part of the approved PPP (19/02033/IPM). As this current S42 application relates to a specific matter that has no significant bearing on the outcome of matters assessed within the EIA Report, it is considered that an addendum to the EIA Report is not required in this instance.

PRE-APPLICATION CONSULTATION

- 5 Although the application relates to a Major development, as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, Pre-Application Consultation (PAC) is not required for S42 applications.

NATIONAL POLICY AND GUIDANCE

- 6 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

- 7 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.

Scottish Planning Policy 2014

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Promoting Sustainable Transport and Active Travel: 269 – 291.

Planning Advice Notes

- 10 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 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 83 Masterplanning

Designing Streets 2010

- 11 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

Creating Places 2013

- 12 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

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

DEVELOPMENT PLAN

- 14 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

- 15 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.”

- 16 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

Perth and Kinross Local Development Plan 2

- 17 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.

- 18 The 2019 PPP (19/02033/IPM) assessed the development against a broader range of policies. As there has been no material change in the planning issues or considerations covered by the remainder of the conditions there is no requirement in relation to this application to revisit each of the policies previously considered. As this proposed modification relates specifically to the provision of public transport infrastructure, the principal relevant policies in this instance are, in summary;

- Policy 7: Employment and Mixed Use Areas
- Policy 60: Transport Standards and Accessibility Requirements

LDP2 Allocation

E38 Ruthvenfield Road 23.6ha Employment uses (core)

- 19 Site-Specific Developer Requirements

- A Masterplan setting out the phasing and the comprehensive development of the whole of this site is required at the time of any planning application.
- Perth Area contribution to road infrastructure (A9/A85 junction improvements required at commencement of development) (phasing details to be agreed).

OTHER POLICIES

- 20 Tay Cities Region Economic Strategy 2019-2039.
- 21 Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020.

RELEVANT SITE HISTORY

- 22 [17/00551/SCRN](#) EIA Screening for development of site for business, industrial and storage use and associated works. Decision Issued May 2017 – EIA Required.
- 23 17/00004/PAN Proposal of Application Notice (PoAN) Commercial development (classes 1, 3, 4, 5, 6 and car showroom), landscaping, vehicular access and associated works. Approved May 2017.
- 24 [18/00006/PAN](#) Proposal of Application Notice (PoAN) Erection of industrial units (classes 4, 5 and 6), formation of SUDS, landscaping and associated works. Approved July 2018.
- 25 [18/01958/SCRN](#) EIA Screening for employment development (Class 4, 6 and 6) and associated works. Decision issued November 2018 – EIA Required.
- 26 [19/02033/IPM](#) Employment use development (class 4, 5 and 6) and associated works (allocated site E38) (in principle). Approved January 2021.
- 27 [21/01518/IPM](#) S42 application to delete Condition 7 (Public Transport Infrastructure) of permission 19/02033/IPM. Refused December 2021
- 28 [21/01519/IPM](#) S42 application to delete Condition 2 (Developer Contributions) of permission 19/02033/IPM. Refused December 2021

CONSULTATIONS

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

External

Transport Scotland

- 30 No objection to the removal of Condition 3. Advise that the additional information presented demonstrates that the development will not have a significant impact on the A9 Broxden Roundabout.

Internal

Transport Planning

- 30 No objection.

REPRESENTATIONS

31 No representations have been received.

ADDITIONAL STATEMENTS

32	Screening Opinion	No addendum to EIA required.
	Environmental Impact Assessment (EIA): Environmental Report	Previously submitted with 2019 PPP application. Relevant documents transferred to current file.
	Appropriate Assessment	HRA Not Required AA Not Required
	Design and Access Statement	Supporting Statement provided
	Report on Impact or Potential Impact	None required

APPRAISAL

- 33 Section 42(1) of the Town and Country Planning (Scotland) Act 1997 relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- 34 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 35 The determining issues in this case are whether; the proposal complies with Development Plan policy, or if there are any other material considerations which justify a departure from that policy. Currently, the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and LDP2. The relevant policy considerations are outlined above and are considered below. In terms of other material considerations, this involves national policy and guidance; the Council's other approved policies, supplementary guidance, statutory consultees; and additional statements submitted.

Principle

- 36 The site is within the settlement boundary of Perth and is identified in TAYplan under Policy 3 as part of the West/Northwest Strategic Development Area (SDA), which is to provide over 50ha of employment land. It is also allocated in LDP2, via site E38, for employment uses and intended to support the growth and expansion of the existing Inveralmond Industrial Estate.

- 37 The principle of the development has further been established under the PPP approval (19/02033/IPM) for a mix of Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses and related access, landscaping, drainage and other infrastructure. This permission was subject to a number of conditions, including Condition 3 requiring further assessment of the traffic impact of the proposals on the safe operation of the A9 Broxden Roundabout and if any mitigation measures were required.
- 38 This additional information has been submitted and assessed, with Transport Scotland confirming that impacts are negligible and thus no mitigations are required. As a result, the removal of Condition 3 is requested, on the basis that the requirements of the condition have been met. As discussed in greater detail below, the removal of Condition 3 is considered acceptable.

Condition 3 – Impact on A9 Broxden Roundabout

- 39 During the assessment of the 19/02033/IPM, Transport Scotland (TS) raised concerns regarding the potential impact of the additional traffic generated by the proposed development on the safe operation of the A9 Broxden Roundabout. As such, TS requested that a condition be applied (Condition 3) so that further assessment of this potential impact could be undertaken at the detailed application stage and any mitigation measures identified.
- 40 Following the approval of the 19/02033/IPM the applicant has undertaken further discussions with TS on this issue and it has been concluded that the additional information provided demonstrates that the development will not result in a significant impact on the A9 Broxden Roundabout. As such, it has been agreed with TS that the requirements of Condition 3 have been met and there is no requirement for any mitigation measures in respect to the roundabout.
- 41 It is therefore considered that Condition 3 can be deleted from the PPP.

Design and Layout

- 42 As the application relates to a PPP, no detailed plans in relation to the design or layout have been approved at this stage. Nevertheless, the proposed modification to remove Condition 3 will not have any impact on the general layout as represented within the indicative masterplan.

Landscape and Visual Impact

- 43 Landscape and visual amenity was considered as part of the assessment of 19/02033/IPM. The proposed modification to remove Condition 3 will have no impact on the landscape or visual amenity as no physical changes are being proposed.

Residential Amenity

- 44 Residential amenity was considered as part of the assessment of the 2019 PPP. The modification to delete Condition 3 will have no impact on the residential amenity of the area as no physical changes are being proposed.

Natural Heritage and Biodiversity

- 45 All matters regarding Natural Heritage and Biodiversity were fully considered as part of the EIA Report submitted with the previous PPP. The proposed deletion of Condition 3 will not result in change in the conclusions and recommendations set out in the previously approved Habitat Survey.

Cultural Heritage

- 46 A Cultural Heritage Assessment, including archaeology, was submitted as part of the previous EIA Report. The proposed deletion of Condition 3 will have no impact on the conclusions and recommendations of that assessment.

Flood Risk and Drainage

- 47 A Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) were submitted as part of the previously approved EIA Report. The proposed deletion of Condition 3 will have no impact on the conclusions and recommendations of the FRA or DIA.

Developer Contributions

- 48 The modification to delete Condition 3 will have no impact on the developer contributions requirements, specifically in relation to transport infrastructure, that are secured under Condition 2 of the 19/02033/IPM.

Economic Impact

- 49 The PPP will result in the development of 15ha of allocated employment land which will support economic development objectives. Furthermore, it is estimated that the proposed site, once fully operational, could generate up to 443 jobs. There would also be employment generated throughout the construction phases.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 50 None required at the PPP application stage, with Condition 2 securing transport infrastructure contributions.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 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 of the

relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

- 53 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

A RECOMMENDATION

Approve

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (19/02033/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 14 years.

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

Conditions and Reasons for Recommendation

1. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a detailed updated phasing and delivery plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design and specification (including the disposal of surface water) and related structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
 - (vii) details of any landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;

- (ix) noise impact assessment
- (x) lighting details;
- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) finished floor levels;
- (xvi) vehicular access and egress road levels.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Subject to the exemption referred to immediately hereafter, the development shall accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regards to Transport Infrastructure. Notwithstanding these requirements, the Planning Authority will allow the first 10,000 sqm of Class 4, 5, or 6 of Gross Internal Area (as defined in the Developer Contributions and Affordable Housing Supplementary Guidance 2016), approved as part of a future Approval of Matters Specified in Conditions application(s), to be exempt from these Developer Contributions.

Reason - To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with the Development Plan policy and Supplementary Guidance relating to this application, but with appropriate mitigation to reflect economic conditions.

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), 1 all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason - In the interests of road safety.

4. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1(xiii), has been submitted to and agreed in writing by the Council as Planning Authority. The GTP will have particular regard to provision for walking; cycling; public transport access to and within the site; electric vehicle (EV) charging points 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. The GTP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - In the interests of sustainable transport.

5. 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 (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) 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 interests of road safety.

6. Prior to the development hereby approved being completed or brought into use, new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided and available for use to a design and specification to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interests of public transport provision.

7. As part of any application for the Approval of Matters Specified by Condition (AMSC), a scheme for a new shared path of an appropriate standard along an agreed section of Ruthvenfield Road shall be submitted for the written approval of the Council as Planning Authority. The approved scheme shall thereafter be fully installed prior to any part of the development being brought into use.

Reason - In the interests of road and pedestrian safety.

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works outwith these times or at any time on Sundays or bank holidays.

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

9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an updated Construction Environment Management Plan (CEMP) including a detailed Dust Management Plan for the construction stage, detailing prevention control and mitigation measures for dust, shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

10. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed noise impact assessment must be prepared by a suitable qualified consultant and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

11. All external lighting included within Approval of Matters Specified by Condition (AMSC) applications sought under Condition 1 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 - To ensure a satisfactory standard of local environmental quality.

12. 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 safeguard archaeology in the area.

13. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for the site shall be submitted for the approval 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 local environmental quality.

14. As part of any application for the Approval of Matters Specified by Condition (AMSC), a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

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

15. The conclusions and recommended action points within the supporting Biodiversity Survey by ECOS Countryside Services LLP (December 2019) hereby approved 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.

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

17. As part of any application for the Approval of Matters Specified by Condition (AMSC), detailed sustainable urban drainage system (SUDS) shall be submitted for approval 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 - In the interests of flood risk.

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 required.

D INFORMATIVES

1. 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 de-velopmentmanagement@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 per-mission will be able to be dealt with before your permission lapses.
2. 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.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to con-struct 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.
5. 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.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.
7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.

8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 19/02033/IPM Report of Handling
Contact Officer: David Niven
Date: 3 February 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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