

# PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 13 March 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, K Allan, B Brawn, D Cuthbert, K Harvey, D Illingworth, I James, Bailie C McLaren, B Leishman, C Reid (from Item 5(1)(ii) onwards), R Watters and Bailie M Williamson.

In Attendance: L MacLean, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, C Elliott, J Guild and M Pasternak (all Strategy, People and Resources).

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

## 2. DECLARATIONS OF INTEREST

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

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 7 February 2024 were approved.

## 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
22/02194/FLM	5(1)(i)
23/00491/FLM	5(1)(ii)
23/00005/CONSUL	5(2)(i)
23/01353/FLL	5(3)(ii)
23/01665/FLL	5(3)(iii)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **22/02194/FLM - Change of use of agricultural land to form extension to existing leisure park, formation of internal access, parking, hardstanding, engineering works and landscaping, land 200 metres north east of Erigmore Caravan Site, St Mary's Road, Birnam (Report No. 24/71)**

Mr P Shannon, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Resolved:**

**Refuse**, for the following reasons:

1. The proposal comprises a significant new development which would a) not respect the character and appearance of the existing area, b) would require a new landscape setting to be introduced, with proposals set out not considered sufficient and c) would result in a visually incongruous development within the context of the surrounding area. The proposal is therefore contrary to Policy 1 (Placemaking), Policy 8 (Rural Business and Diversification (criteria (c)) and Policy 9B (Caravan Sites, Chalets and Timeshare Developments) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's statutory supplementary planning guidance on Placemaking (2020), as the development would not be compatible with the existing surrounding land uses, and would have an adverse impact on the existing character and appearance of the surrounding area.
2. The scale and nature of the development is neither compatible or in keeping with the surrounding area. Accordingly, the proposal is contrary to Policy 29(b) (Rural Development) and Policy 26(d)(ii) (Business and Industry) of the National Planning Framework 4 (2023), both of which only support new developments which are compatible and in keeping with the existing surrounding areas.
3. As the site is a) not allocated for development and b) not explicitly supported by policies in the Local Development Plan, the proposal is contrary to Policy 9 (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023) which only permits new development on greenfield sites in certain instances.

**Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

COUNCILLOR C REID JOINED THE MEETING AT THIS POINT.

- (ii) **23/00491/FLM - Formation of leisure development comprising erection of 124 holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome stances, SUDS ponds, treatment plant, parking, landscaping and associated works, Whinstone Quarry, Devonshaw, Powmill (Report No. 24/72)**

Ms N Marchant, objector on behalf of Fossoway District Community Council, Ms C Pleass, objector and Mr K Davidson, on behalf of Devonshaw Leisure Ltd and Mr J McCallum, agent on behalf of the applicant, addressed the Committee and answered Members questions.

**Resolved:**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. No development shall commence until a detailed phasing and delivery plan confirming the programmed delivery of the site including the siting of the lodges, glamping pods, landscaping/planting, community hub (including Aires) and construction works has been submitted and approved in writing by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the agreed delivery plan.  
Reason - In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.
4. The infrastructure required to service the Aires shall be implemented and maintained in accordance with the approved details shown on drawing numbers 71 and 78 to the satisfaction of the Council as Planning Authority. The details as approved shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - to ensure adequate delivery of infrastructure.
5. Prior to the commencement of the development hereby approved, full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres to the standard and specification required by the Council as Roads Authority

to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated out with the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

6. Prior to the commencement of development, a detail design showing the vehicle access onto A977 public road with the following schemes shall be provided for:
  - a. Ghost island right turning facility.
  - b. Full visibility splays of 215 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres to the standard.
  - c. Road markings.
  - d. Bus boarders at and opposite the vehicle access with suitable hard standing area for bus shelters with a 24/7 electrical power supply to a Haldo pillar adjacent to the hard standing. Dropped kerbs will be provided on both sides of the road to link the bus boarders.
  - e. Outfall details, to include the headwall details, manholes and pipe location.
  - f. Drainage proposals to prevent water discharge onto the A977.
  - g. A pedestrian crossing island on the A977 in the vicinity of the proposed bus stops.

All of the above shall be submitted to and approved in writing by the Council as Planning Authority. The submission will confirm the road layout along the A977. The scheme for the approved shall thereafter be implemented in full, prior to the commencement of construction works on site to provide a safe access and egress to the site.

Reason - In the interests of road, pedestrian safety and connectivity with the residential developments to the north and northwest of the development.

7. Prior to the occupation of the first lodge, the developer shall provide and install bus shelters at and opposite the site entrance on appropriate hard standing asphalt areas, each with a 3 bay cantilever bus shelter supplied and installed with passenger information board, LED spotlights (one per bay), a 28in Ultra-Wide Display Screen for Real Time Passenger Information installed on the approach side of the shelter and a 24/7 electrical power supply to a Haldo pillar adjacent to the shelter to provide power for the LED lighting and Real Time

Passenger Information display. The design and specification shall be to the satisfaction of the Council as Planning Authority, in consultation with Perth & Kinross Council's Public Transport Unit.

Reason - In the interest of sustainable travel.

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. 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.

9. Prior to commencement of any development on site, a detailed design of the proposed footpath and footway (as illustrated on drawings 74 and 75), showing the location, specification and cross section, shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in existing drainage ditches. The footpath and footway, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the occupation of the first lodge or pod.  
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
10. Prior to the commencement of works on site, detailed drawings showing waste and recycling bin storage locations and strategy for presenting the waste for collection, shall be submitted for the written agreement of the Council as Planning Authority. None of the lodges or pod units hereby approved shall be occupied until the agreed scheme has been provided in full.  
Reason - In the interests of road safety to prevent long reversing manoeuvres.
11. Prior to the installation of the lodges and pods, a finalised design for the cycle lockers shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle lockers, as approved in writing, shall be implemented and permanently maintained thereafter in accordance with the approved details to the satisfaction of the Council as Planning Authority and installed prior to the occupation of any lodge or pod cluster.  
Reason - To encourage active travel and meet advice within National Planning Framework 4 on transport.
12. Prior to the occupation of each lodge hereby approved being completed or brought into use, a minimum of two car parking spaces shall be provided at each lodge.  
Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.
13. Prior to the occupation of each glamping pod hereby approved being completed or brought into use, a minimum of one car parking space shall be provided at each glamping pod.  
Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.
14. 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.

15. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed decking(s) and any hot tubs 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 relevant unit, whichever is the earlier.

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

16. 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.

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

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

18. 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.

19. 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 user 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 order to safeguard the residential amenity of the area.

20. Servicing of and deliveries to the site shall be carried out between 0700 and 1900 Monday to Sunday.  
Reason - In order to safeguard the residential amenity of the area.
21. Prior to the commencement of any hereby approved development, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.  
Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
22. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site (including proposed phasing) shall be submitted to and approved in writing by the Planning Authority. The scheme shall be updated to include a native hedgerow on the western boundary, adjacent to Lodges 25 and 26. 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 each phase 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 protect the adjacent SSSI, and to ensure the satisfactory implementation of the proposed planting scheme.
23. 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.
24. Prior to undertaking the operations prescribed within the approved Management Plan, at Year 1, 3, 5, 7, 9, & year 10, the applicant shall notify the Planning Authority in writing, in order to assess the thinning, planting and weed control operations, as prescribed within the approved Tree and Woodland Management Plan by Urban - Arb Arboricultural Consultants (Sep 2023) (drawing number 65) & FinLand Proposed Development Devonshaw



Quarry - Landscape Planning (Oct 2023) (drawing number 69).

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

25. The conclusions and recommended action points within the supporting Ecological Impact Assessment (including Addendum) submitted and hereby approved (document(s) 39 and 66 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.

26. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP), Environmental Management Plan (EMP). Proposed measures for bog restoration methods, monitoring and ongoing long-term aftercare and maintenance shall be included. Measures to ensure the public road network is kept free from mud or debris shall also be required. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

27. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the

proposed development. The ECoW shall have responsibility for the following:

- (a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development, they shall provide an environmental/ecological tool box talk for construction staff.
- (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - To avoid habitat damage and safeguard natural heritage interests.

28. 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.

29. Prior to the commencement of development detailed plans for nighttime lighting of the proposed development shall be submitted for the approval of the Planning Authority. These plans should be submitted in strict accordance with recognised impact reduction principles and any lighting proposed shall be low level.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

30. 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.

31. 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.

32. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the site.

33. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development (Scotland) Order 1992 or any order amending, revoking or re-enacting that order, the proposed lodges shall not be extended or altered in any way, not any building or means of enclosure erected within the curtilage of any lodge without an express grant of planning permission from the Planning Authority.

Reason - In the interest of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

34. Prior to the commencement of development, a recreation plan shall be submitted for the approval of the Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of ensuring suitable public access and recreation.

#### **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. 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. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council

prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.

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.  
<https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) 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.
7. 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](http://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 Environment Protection Agency.
8. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. Part of the approved development includes 'caravans'. The developer is advised that caravans require to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore a licence application should be made to Environmental Health. Application forms are available at <https://www.pkc.gov.uk/article/15600/Licence-caravan-site>.
11. The applicant is advised that if any works are required within the SSSI in relation to drainage from the proposal site, permission from SEPA and/or consent from NatureScot may be required in addition to any planning permission.
12. 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.

13. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> 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.
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 Biodiversity/Tree/Woodland/Roads/Foul/Water/ASHP/Visuals.
15. 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.

THERE WAS A 10 MINUTE RECESS, THE COMMITTEE RECONVENED AT 11.50AM.

## **(2) Energy Consent Unit Application**

### **(i) 23/00005/CONSUL - Erection of a 900MW Battery Storage System and associated infrastructure, Haughend Farm, Meikle, Blairgowrie, PH12 8RJ (Report No. 24/73)**

Councillor C Stewart, Local Member, and Ms A Ellis, agent on behalf of the applicant, addressed the Committee and answered Members questions.

Mr S Panton, Team Leader, Major Developments, advised Committee that the ECU advised Perth and Kinross Council this week that the capacity of the plant will change from 450MW to 900MW. Mr Panton further advised there is no change to any infrastructure or plans before Committee.

**Resolved:**

Offer no objection to the proposal and request the imposition of the following suggested conditions:

**Suggested Conditions**

1. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and any hard landscaping shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use any part of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.
2. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.  
Reason - To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.
3. 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 (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). 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. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.  
Reason - To safeguard any archaeological interest of the site.
4. Prior to the commencement of the development hereby approved, protective fencing shall be erected around

SM7263 / MPK4865 incorporating an appropriate buffer, insofar as the land lies within the control of the applicant and/or developer, in a manner and for a time period to be agreed in writing in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT. Reason - To ensure the preservation of the historic environment safeguard the identified Scheduled Monument within and adjacent to the site boundaries.

5. Prior to the commencement of development, an updated ecological survey in the form of an Ecological Impact Assessment (EclA) be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

6. Prior to the commencement of development, a Species Protection Plan for Osprey be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

7. Prior to the commencement of development, a detailed Landscaping Plan including details of biodiversity enhancement measures shall be submitted and agreed in writing by the Planning Authority.

Reason - In the interests of protecting and enhancing biodiversity.

8. A minimum of two months prior to the commencement of development, a site specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP) and Environmental Management Plan (EMP). A detailed compound layout which sets out measures to ensure the public road network is kept free from mud or debris shall also be included. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of protecting environmental quality and of bio-diversity. To minimise any associated



adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

9. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:
- (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
  - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
  - (c) Prior to the commencement of development, they shall provide an environmental / ecological tool box talk for construction staff.
  - (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
  - (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
  - (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
  - (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including reinstatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - To avoid habitat damage and safeguard natural heritage interests.

10. In the event that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ an independent and suitably qualified consultant to carry out a Noise Assessment from the development. The appointed consultant and methodology for the Noise Assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health within 28 days of being notified of the complaint. Within 28 days of approval of appointed consultant and methodology, a Noise Assessment shall be submitted outlining mitigation and recommended timescales for delivery. Thereafter, all mitigation measures shall be implemented within the timescales recommended.

Reason - In the interests of protecting residential amenity.

11. Prior to the battery storage facility being brought into use, all noise mitigation measures outlined in Section 8.2 and Appendix A of the Noise Impact Assessment undertaken by Neo Environmental Ltd, dated 04/10/2022 shall be implemented in full.

Reason - In the interests of protecting residential amenity.

12. 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 protecting residential amenity.

13. Notwithstanding any requirement or restriction under Condition 6, construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason - In the interests of protecting residential amenity.

14. 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 protecting residential amenity.

15. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, a plan showing the upgrading of the section of road from the substation to Haughend Farm with passing places. The works for the agreed upgrading of the road shall be completed in full prior to the commencement of works.

Reason - In the interests of road safety and adequate site access.

16. Trees remaining on site 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 be identified on the Construction Exclusion Zone (CEZ) Plan within the Construction Environment Management Plan (CEMP), in association with Condition 8. Protection measures, once in place, shall remain in place for the duration of construction.

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

With local sources indicating flooding precedent in the area, including following extreme weather events of October 2023, it is suggested that local consultation is undertaken prior to the commencement of development to assist with assessment and design.

#### **Justification**

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

THERE WAS A RECESS FOR LUNCH. THE COMMITTEE RECONVENED AT 1.40PM.

### **(3) Local Applications**

- (i) **23/01255/FLL - Siting of mobile crushing and screening plant (for a temporary period), Newtyle Farm, Dunkeld, PH8 0HZ (Report No. 24/74)**

It was noted that this application had been withdrawn from this agenda.

- (ii) **23/01353/FLL - Upgrading works affecting filter beds, structures and access roads and engineering and associated works, Glenfarg Water Treatment Works, The Reservoir, Glenfarg, Perth, PH2 9QL (Report No. 24/75)**

Mr D Fraser, objector on behalf of Glenfarg Community Council, Mrs Low, objector, and Mr M McIlvaney and Ms C Souter-Bell, on behalf Scottish Water, addressed the Committee and answered Members questions.

Paul Williamson, Team Leader recommended that, if the application is granted, condition 6 be revised to include

reference to planting failing to become fully established within 5 years.

THERE WAS A 5 MINUTE RECESS

**Resolved:**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority and the Environmental Health Team. The plan shall include procedures, monitoring and mitigation measures for the control of noise, vibration, and dust at the construction stage of the development.  
Reason - In order to safeguard the neighbouring residential amenity in the area.
4. Prior to commencement of any development on site, a detailed design showing all passing places, including current and those to be constructed or upgraded, with the proposed construction works, cross sections, specifications and signage of the passing places on both the public road network and private road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in the existing drainage ditches. The passing places shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and shall be undertaken prior to the commencement of construction associated with this planning application.  
Reason - In the interests of pedestrian and traffic safety.
5. Prior to the commencement of the development hereby approved, an updated Construction Traffic Management Scheme (TMS) shall be submitted to and approved by the Council as Planning Authority, in consultation with the

Roads Authority (Structures). The updated TMS shall include the following (confirming the location, specification and timescale for installation of each measure):

- (a) Speed Reduction Measures;
- (b) Road Traffic Signage, including solar signage;
- (c) Bailey Bridge to be constructed over Glendy Mill Bridge Category C Listed Structure;
- (d) Anti-skid surfacing;
- (e) Improvements to Lay-by Development for Escort Vehicles & HGVs;
- (f) Parking restrictions;
- (g) Vegetation Clearance;
- (h) Verge Improvements;
- (i) Crossing Officer for the junction of Greenbank Road/Ladeside/Duncreevie Road/Church Brae (operational duration, daily times and operational location);
- (j) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction; and
- (k) Report on consultation undertaken on all aspects of this updated TMS with local elected members and Glenfarg Community Council.

The measures shall be implemented prior to the dates agreed and approved in writing by the Planning Authority, in consultation with the Roads Authority.

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

Reason - In the interest of proper site management.

6. 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, 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.

7. The plans and particulars submitted in accordance with condition 7 above shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
  - (b) in relation to every tree identified a schedule listing:
    - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
    - ii. any proposed pruning, felling or other work; and
  - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
    - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
    - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
  - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

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

8. Prior to the commencement of the development hereby approved, a Scheme of Proposed Biodiversity Enhancement shall be submitted to and approved by the Council as Planning Authority. The approved Scheme shall be implemented prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

9. Prior to the commencement of the development, a maintenance agreement under Section 96 of the Roads

(Scotland) Act 1984 shall be entered in to. Confirmation of this agreement being in place shall be provided to the Council, as Planning Authority, a minimum of two weeks prior to the commencement of development. The maintenance agreement shall be in respect of the:

- B996
- Ladeside
- C414

These roads shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth & Kinross Council.

Reason - In the interests of road safety

10. The measures identified in the Flood Risk Assessment (Document 33 relates) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented shall be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

11. The conclusions and recommended action points within the supporting Ecological Constraints Survey, Beaver Survey and Bat Survey submitted and hereby approved (document(s) 36, 42 and 44 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.

12. 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 neighbouring residential amenity in the area.

13. The sound pressure limits as presented in Section 8.4 of the Noise Impact Assessment (Document 35 relates) hereby approved shall be adhered to and the recommended noise mitigation measures in section 8.6 of the approved document shall be incorporated into ongoing detailed design and coordination to ensure compliance with Condition 12 of this planning permission.

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

14. 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.

15. In the event that justified complaints regarding noise are received by the Council, the applicant, unless otherwise agreed with the Planning Authority, shall at their own expense employ a consultant approved by the Planning Authority to carry out an assessment of noise from the development, whether relating to noise from construction or operation of the site. The assessment will be carried out to an appropriate methodology agreed with the Planning Authority and the results of the assessment will be submitted to the Planning Authority within 28 days of the assessment.

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

16. Deliveries in relation to the construction site shall be carried out between 0800 and 1800 Monday to Friday only, with no construction deliveries permitted on Saturdays and Sundays. Construction deliveries shall be timed to minimise the impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, or during local events.

Reason - In the interests of road safety.

### **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. 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. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.



3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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.
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.  
<https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from SEPA.
7. 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 information regarding biodiversity and transport.
8. 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. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
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](mailto: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](http://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.

(iii) **23/01665/FLL - Erection of a wind turbine (up to 2.3MW), formation of access track, hardstanding and construction compound, and associated works, Simon Howie Butchers, Findony Farm, Dunning, Perth, PH2 9RA (Report No. 24/76)**

Mr C Young, objector on behalf of Dunning Community Council, Dr G Gardner, objector, M S Howie, applicant and Mr R Collin and Ms R Lyall, agent, addressed the Committee and answered Members questions.

Motion (Councillors I James and C Reid)

**Refuse**, as the proposal is contrary to:

- (1) NPF4 (2023) Policy 11(e)(ii): Energy, and Perth and Kinross Local Development Plan 2 (2019) Policy 33A: New Proposals for Renewable and Low-Carbon Energy, due to significant adverse landscape and visual impact of the proposal on Dunning and the wider area, beyond that which is appropriate; and
- (2) NPF 4 (2023) Policy 7(d): Historic Assets and Places, and Perth and Kinross Local Development Plan 2 (2019) Policy 28A: Conservation Areas New Development, as due to the significant adverse landscape and visual impact, the proposal does not preserve or enhance Dunning Conservation Area.

**Amendment (Councillor R Watters and Bailie M Williamson)**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. For the avoidance of doubt the wind turbine model hereby approved is limited to that specified in the submission (Enercon E70 E4 2.3MW machine with a 69m hub height and a 70m rotor diameter) and which has informed all supporting information and assessment by the Planning Authority, particularly that related to noise, shadow flicker and visual impact. No other turbine shall be installed

without a further grant of planning permission, the assessment of which will review any changes in material planning considerations.

Reason - In the interests of ensuring that the impacts of the development have been accurately assessed and that planning conditions remain relevant to the development implemented.

4. 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 (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). 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. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT 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.

5. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP) detailing environmental mitigation measures and site-specific construction method statements, has been submitted for the further written agreement of the Council as Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) as required. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of proper site management.

6. The wind turbine, buildings, areas of hardstanding and tracks shall be constructed in the location shown on the approved plans or as per the micro-siting allowances granted by this condition.

Unless otherwise approved in advance in writing by the Planning Authority micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum, than the position shown on the approved plans;
- b. No wind turbine, building, mast or hardstanding shall be moved more than 10 m from the position shown on the original approved plans;

No later than one month after the date of First Commissioning, if required, an updated site plan must be submitted to the Planning Authority showing the final position of the wind turbine, and associated infrastructure forming part of the development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the Planning Authority's approval.

Reason - To minimise environmental impacts while taking account of the need to site infrastructure according to local ground conditions.

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

Reason - In the interest of proper site management

8. Prior to the commencement of any development on site, precise colour details of the turbine components, and details of cabling routing (which shall be underground where possible) shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall be implemented in full and thereafter retained for the duration of the development.

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

9. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12 Heritage Environmental Limited Simon Howie Butchers Wind Turbine: Ecological Impact Assessment October 2023) shall be fully adhered to, respected and undertaken as part of the construction and operation phase of the development, to the satisfaction of the Council as Planning Authority. This includes implementation of the proposed biodiversity enhancements listed on page 39 and 40 of the EIA which must be in place prior to the operation of the turbine.

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

10. An updated ecological impact assessment will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the

ecological impact assessment 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 employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

11. The annual results from the three-year post-construction monitoring shall be reported to Biodiversity@pkc.gov.uk by 31st October each year.

Reason - To ensure that the impact on biodiversity from the development is monitored and recorded.

12. No structure or tower may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP (Instrument Flight Procedure) Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Definitions:

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Edinburgh Airport.

"IFP Assessment" means a safeguarding assessment against current and any possible future IFPs. This assessment must be undertaken by a UK CAA Approved Procedure Design Organisation (APDO).

Further information on IFP Safeguarding and a quote for this assessment can be obtained by contacting [safeguarding@edinburghairport.com](mailto:safeguarding@edinburghairport.com).

Reason - In the interests of aviation safety.

13. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Perth & Kinross Council in conjunction with the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason - In the interests of aviation safety.

14. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason - In the interests of aviation safety.

15. Prior to the commencement of the development hereby approved, full visibility splays of 215 metres along the channel line 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 to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

16. 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:

- restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- 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;
- arrangements to ensure that access for emergency service vehicles are not impeded; and
- 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

17. For all properties without any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 35dB(A) or the ETSU-R-97 derived night hours noise limit of LA90, 10 mins +5 dB(A) above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

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

18. For all properties without any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 35 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise level.

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

19. For all properties with any financial involvement, noise emanating from the turbine during nighttime (as defined in ETSU-R-97 as 23:00 to 07:00 on all days) shall not exceed LA90, 10 mins 45dB(A) or the ETSU -R - 97 derived night hours noise limit of LA90, 10 mins +5 dB(A)

above background whichever is the greater. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise level.

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

20. For all properties with any financial involvement, noise emanating from the wind turbine at any other time than defined in condition above shall not exceed an L A90, 10 min of 45 dB at noise sensitive properties at wind speeds not exceeding 10m/s and measured at a height of 10m above ground at the wind turbine site, or the ETSU-R-97 derived 'quiet waking hours noise limit of LA90, 10 mins +5dB above background, whichever is greater. In the event that audible tones are generated by the wind turbine, a 5dB (A) penalty for tonal noise shall be added to the measured noise levels.

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

21. Mitigation measures in the form of Reduced Power mode outputs as outlined in Section 8.8.2 of The Supporting Statement Ref C5726-1426 Section 8 v2 dated 19 December 2023 which was undertaken by Greencat Renewables shall be implemented in full for the life time of the development.

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

22. Prior to the development hereby approved being brought into use, and electricity generated, the wind turbine operator shall submit a list of proposed independent consultants (who may undertake compliance measurements in accordance with the above conditions) for the written agreement of the Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

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

23. Prior to the operation of the turbine a shadow flicker management plan shall be submitted to, and approved in writing by, the Planning Authority. Within the plan the applicant shall identify the range of residential properties that can be remotely monitored for a period of one year from the commissioning, and subsequent operation, of the turbine to study the effect that shadow flicker could have on residential amenity. The plan shall also include mitigation measures to ensure that shadow flicker can be mitigated to an acceptable level should justified complaints be received following the operation of the turbine and details of a practical procedure to remediate any shadow flicker that are capable of being implemented by the applicant in the event of a justified complaint being



registered by the Planning Authority using mitigation measures detailed in the shadow flicker management plan.

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

24. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of Institute of Acoustics' Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the local Planning Authority on its request, within 14 days of receipt in writing of such a request.

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

25. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property in accordance with the procedures described in the Institute of Acoustics' Good Practice Guide to the application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise Guidance Notes. The written request from the local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

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

26. Within six months of the wind turbine being decommissioned the owner shall submit a scheme for the removal of the turbine, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition. Thereafter the scheme as subsequently approved in writing by the Planning Authority shall be implemented in complete accordance with the details as so agreed.

Reason - To ensure the turbine is removed from the site at the end of its operational life, and to protect the visual amenity of the area.

### **Justification**

The proposal is not in full accordance with the Development Plan however there are material reasons which justify departing

from the Development Plan. There are significant benefits that renewable energy generation will bring to the wider business and its net zero ambitions, that accord with NPF4 Policy 11, Energy, 33A Renewable and Low Carbon Energy: New Proposals for renewable and low carbon energy. These considerations have been balanced against the wider impacts, arising from the proposal due to the scale of the turbine and its location in close proximity to the historic settlement of Dunning and other visual receptors of note.

On balance, the contribution of the proposal to the reduction of carbon emissions and to the Scottish Government net zero targets are considered to outweigh the adverse landscape and visual impacts and the impact on the setting of historic assets.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. An application for Building Warrant may be required.
4. The developer is advised to contact Grace Woolmer-White Historic Environment Officer (tel 01738 477056) Perth and Kinross Heritage Trust, to discuss terms of reference for works required and, if necessary, prepare for them written Terms of Reference.
5. 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 the submission of a Drainage Impact Assessment.
6. 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/ldp2floodrisk>
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](mailto: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](http://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.

In terms of Standing Order 21.5 a roll call vote was taken.

2 members voted for the Motion as follows:  
Councillors I James and C Reid.

11 members voted for the Amendment as follows:  
Councillors K Allan, B Brawn, D Cuthbert, K Harvey, D Illingworth, B Leishman, I Massie, Bailie C McLaren, G Stewart, R Watters and Bailie M Williamson.

**Resolved:**  
In accordance with the Amendment.

(iv) **23/01876/FLL - Change of use of building to dwellinghouse and associated works, land 15 metres south east of Woodbine Cottage, Duncriche, Glenfarg (Report No. 24/77)**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. 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.
3. Prior to the commencement of the development hereby approved, a 1:200 site plan which identifies the Construction Exclusion Zone (CEZ) shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to

BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

Reason - 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 any works on site a Method Statement for work within any of the Root Protection Areas (RPAs) of the existing trees shall be submitted for the agreement of the Planning Authority. Work within the RPAs shall be undertaken in accordance with the agreed Method Statement.

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

5. Development shall not commence on site until details of foul and surface water drainage systems have been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The surface water drainage 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.

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 08 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 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. 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.

8. 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 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).

### **Justification**

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

### **Procedural Notes**

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should ensure they familiarise themselves with the legislative requirements under the Controlled Activities Regulations. More detail on this is provided in section 2 of SEPA's Standing Advice document which is online at [sepa-triage-framework-and-standing-advice.pdf](http://sepa-triage-framework-and-standing-advice.pdf).

5. 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.
6. 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](mailto: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](http://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.

## 6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **23/00020/PAN - Formation of a 49.9MW Battery Energy Storage System (BESS) and ancillary infrastructure, land 256 metres south west of Taigh An Struith, Tibbermore, Perth (Report No. 24/78)**

Councillor D Illingworth requested due consideration to the visual impact of the battery storage containers, the use of agricultural land and arrangements for the restoration of the land at the end of use of the containers.

Bailie M Williamson requested due consideration be given to a traffic management plan and appropriate lighting.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.