

Perth and Kinross Council  
Planning and Placemaking Committee – 12 July 2023  
Report of Handling by Head of Planning & Development  
(Report No. 23/208)

**PROPOSAL:** Formation of a replacement poultry rearing farm comprising 4 rearing sheds, storage shed, office and staff welfare facility, fences and gates, formation of vehicular access road, hard standing areas, parking, SUDS, landscaping, installation of LPG tanks and associated works.

**LOCATION:** Land 200 metres north west of Innerpeffray, Crieff

Ref. No: [22/01290/FLM](#)  
Ward No: P6- Strathearn

### **Summary**

This report recommends approval of the application for a replacement poultry rearing farm at Purreldeggie Poultry Farm, Innerpeffray, Crieff as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning consent is sought for the 4 poultry rearing sheds, ancillary facilities, a SUDS pond, landscaping, LPG tanks and associated works at Purreldeggie Farm some 2km east of Crieff and all to replace an existing poultry farm.
- 2 The proposed sheds will be constructed to the west of 3 existing timber framed sheds built in the 1960s and 1980s. These existing buildings sit alongside the public road and are long linear dual pitched roof buildings with a N-S orientation and running alongside the road. The existing operation is a breeder laying farm producing fertile eggs, the new facility would be a pedigree rearing farm that would hold a maximum of 6,500 birds in each shed, totalling 26,000 birds. These birds are not to be reared directly for meat but for selection as breeding stock. The new facilities intended to modernise and repurpose the existing poultry farm, designed to maximise bird welfare.
- 3 The proposed buildings would be off set from the road, moving into the existing field and although of a similar linear footprint and roof form, would see their orientation W-E. The area adjacent to the road currently accommodating the existing sheds would see a SUDS attenuation basin formed and an expanded hardstanding area to allow articulated vehicle access from an existing junction to be upgraded. The second existing access to the south, for smaller vehicles would also be retained and improved.

- 4 The proposed site is surrounded by arable farmland to the north, south and west with trees along the eastern boundary, particularly beyond the public road.
- 5 Two existing farm cottages (semi-detached) are located southeast of the site, which has recently obtained planning permission for its demolition and replacement with a new dwellinghouse. Planning reference 22/01133/FLL relates. In terms of the occupancy of the new replacement unit, the applicant has indicated that it would be a Farm Manager associated with the poultry farm.
- 6 The submitted supporting statement specifies the site has been chosen for several reasons, which include:
  - Its excellent bio-security status (no adjacent poultry farms)
  - Its current use as a poultry farm and opportunity to modernise.
  - The agricultural setting and its distance from nearby third-party properties.
  - Location in relation to Aviagen's other farms, meaning good transport logistics between facilities.
  - Benefits from concealment provided by existing landscape and its distance from any residential buildings. Seen as important given the site area is approximately 3.1ha with each shed measuring approximately 96.8m in length by 24.1m in width reaching a height of 5.6m to the ridge, linked together by connected covered corridors.
- 7 Access is from the C472 (Southwood Road) immediately to the east, linking 700m south to the B8062 at Millhills. There are 2 existing access points to the site from Southwood Road. It is proposed to use the existing northern access for articulated lorries, with the smaller entrance to the south utilised to access smaller vehicle parking. The B8062 links to the A85 and the wider road network.
- 8 The amenity building, storage building, LPG tanks, cycle storage and staff car parking will be located at the southern part of the site.
- 9 The proposal will see staffing of a Farm Manager supported by 2 Team Leaders, 9 full time staff and a Cleaner. The existing farm is a lay farm and the proposed is a rearing farm, which has slightly different needs. The new farm at Kinkell Bridge is becoming the lay farm. The staff will be given the choice if they want to remain on the new Purreldeggie or move to Kinkell Bridge (3miles away). The experienced staff will be needed to train the new staff. Overall, between the sites there will be a creation of over 15 new jobs in the Crieff area.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 10 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the

importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 12 The proposal falls under Schedule 2 (1) (c) of the Environmental Impact Assessment Regulations 2017 which relates to Intensive Livestock installations where the floor space exceeds 500 sqm. The proposal is for the erection of an Intensive Livestock building of 9,860 sqm. As such an EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of flooding, noise, odour, ecology, traffic and transport were considered to be required and support this application.

### **Pre-Application Consultation**

- 13 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential poultry sheds having a floor space greater than 5000 square metres. The applicant was therefore required to undertake formal pre-application consultation with the local community.
- 14 Public concerns raised included: access and traffic, odour, noise, setting and scale, ecology and wildlife, water quality and watercourses, archaeology and health as being matters not addressed by the consultation events. These matters have been responded to by the agent and included within a Pre-Application Consultation (PAC) Report submitted.

### **Pollution Prevention and Control Regulations**

- 15 The threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40,000 bird places. As this proposal relates to 26,000 birds these regulations would not apply and matters of noise, odour etc will be considered by PKC Environmental Health.

### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

#### **National Planning Framework 4**

- 17 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 18 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

19 The Council's assessment of this application has considered the following policies of NPF4:

20 The principal relevant policies are, in summary;

- Policy 1: Sustainable Places
- Policy 2: Climate Mitigation and Adaption
- Policy 3: Biodiversity
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, Vacant and Derelict land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety
- Policy 29: Rural Development

### **Perth and Kinross Local Development Plan 2**

21 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage

- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

- 22 [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- 23 [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- 24 [Planning Guidance - Planning & Biodiversity](#)

### **NATIONAL GUIDANCE**

- 25 The Scottish Government expresses its planning policies and guidance through The National Planning Frameworks, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

- 26 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport

#### **Site History**

- 27 [21/02073/SCRN](#) An EIA screening opinion was issued by PKC on 1 December 2021 advising that EIA was not required for a development comprising a replacement poultry farm of 4 rearing sheds and associated works.
- 28 [22/00007/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development for the erection of a replacement poultry farm comprising 4 rearing sheds and associated works saw PKC confirm on 28 February 2022 that the approach set out in the PAN was accepted.

29 [22/01133/FLL](#) Erection of dwellinghouse on Land 30 Metres North West Of 1 Purreldeggie, Innerpeffray, Crieff. Approved August 2022.

## **CONSULTATIONS**

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

### **External**

31 **East Strathearn Community Council** – No comments.

32 **Scottish Water** - No objection. Advise there is sufficient capacity in the Turret Water Treatment Works, however, there is no existing public foul wastewater or surface water connection.

33 **Scottish Environment Protection Agency** – No comments.

34 **NatureScot** – No comments.

35 **Perth And Kinross Heritage Trust** – No objection subject to condition relating to the submission of a programme of archaeological works.

### **Internal**

36 **Enterprise Team** – No comments.

37 **Strategy and Policy** – No objections. Advise that the application site includes an area of land that is not part of the existing poultry shed site and is in agricultural use. In terms of the LDP policy 50 the development is considered justified because the additional land take into the existing field is minimised in the context of the surrounding area, and taking into account that the proposal is a necessary repurposing of an existing facility it is considered justified that there is a specific locational need to include the additional land (that is prime agricultural land) in the application site.

38 **Structures and Flooding**- No objections.

39 **Environmental Health (Contaminated Land)** - No objection. Condition recommended to deal with potential contamination on site.

40 **Environmental Health (Noise Odour)** - No objection. Conditions recommended to control odour, dust, noise and lighting.

41 **Transportation and Development** – No objections subject to conditions.

42 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

43 **Biodiversity/Tree Officer** - no objection, subject to conditions relating to landscaping, implementation of landscaping and retention of trees/hedgerows.

## Representations

- 44 One representation was received from The Woodland Trust. The main issue received raised concerns in respect of ammonia dispersal and nitrogen deposition which may have an impact on ancient woodlands within 5km of the application boundary.
- 45 This issue is addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

46

Screening Opinion	Undertaken - Not EIA development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations - AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none"><li>• Noise Impact Assessment</li><li>• Archaeological Desk Based Assessment</li><li>• Drainage Report</li><li>• Air Quality Impact Assessment</li></ul>

## APPRAISAL

- 47 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance, namely Placemaking Supplementary Guidance March 2020.

### Principle

- 48 The site overlaps and is associated to an existing poultry farm in a rural location to the east of Crieff. It is surrounded by farmland and trees, offering a level of seclusion and screening and the nearest residential properties, outwith the applicant's ownership, are approximately 200m away to the east and southeast which are screened by trees and hedging and therefore preventing any intervisibility. Due to the nature of the business, the proposal requires a location separated from properties which could be adversely impacted. LDP2 Policy 8 Rural Business and Diversification provides support for the proposed modernising and repurposing of this existing facility to a poultry rearing farm.
- 49 The development requires to be separated from properties which could be adversely impacted on by noise, odour, etc. But also within close proximity to the

transport network. As such the location of the proposed development accords with the objectives of the Local Development Plan providing that the detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan regarding traffic implications, landscape and visual impact together with impact on neighbouring amenity such as odour and noise.

### **Design and Layout**

- 50 The proposed sheds are similar in terms of scale and layout to other poultry related facilities. The shed dimensions are set out above and they will be linked to each other by covered walkways. Their construction will be steel framed with roof and side walls clad in green composite insulated panels. Additional equipment will include feed stores, a generator, water tanks, LPG tanks and a staff amenity and storage building. There is an existing incinerator and plans detail a new incinerator.
- 51 The existing 3 timber sheds which are stained in a dark brown colour date to the 1960s and 1980s. These are located alongside the public road which is to the east with the 4 new sheds proposed further west and existing accesses will be upgraded.
- 52 The proposed sheds are described by the applicant as “state of the art”, designed to take account of energy saving. High levels of insulation, computer controlled ventilation, energy efficient heating and lighting systems all form part of the design. Their height, colour and materials relate well to the surrounding character of the rural environment. The proposal therefore complies with LDP2 Policy 1 – Placemaking.

### **Landscape Character and Visual Impact**

- 53 Noted within the supporting Planning Statement is that the landscape impacts of the development would be of minor significance. The proposed development seeks to improve the existing quality of the immediate landscape through the removal of the old farm structures and the replacement poultry sheds would be more muted and sympathetic to the natural surroundings than the existing units.
- 54 The proposed design and building height within this rural location respects the sites topography and skyline as well as the wider landscape character of the area. The poultry sheds are low linear structures, coloured in green to help integrate them into their surroundings. In these respects, the proposed development is considered to comply with LDP2 Policies 1 and 8 and Policy 14 of NPF4.
- 55 It is noted within the submission that all trees and hedgerows will be retained and planting a new hedge is proposed. The access into the existing car park will be upgraded and used for articulated lorries. New hedging is proposed to the east of the new sheds and to the south of the SUDS basin and at the southern side of the site, south of shed 1/car parking area. This planting of a mixed native hedge would be beneficial to biodiversity, by provision of food and shelter.



- 56 The Woodland Trust raised concerns in respect of ammonia dispersal and nitrogen deposition which may have an impact on ancient woodlands. As such a request for modelling of ammonia dispersal and nitrogen deposition was requested. This was submitted and reviewed by both PKC Biodiversity Officer and The Woodlands Trust, which saw additional tree and hedge planting recommended. This was agreed with the agent and can be required by condition 19.
- 57 Applying LDP2 Policies 1, 8 and 40 and Policies 6, 14 and 29 of NPF4 the proposed development is considered in compliance, subject to conditions 16-18.

### **Residential Amenity**

- 58 The proposed poultry sheds have a capacity of 26,000 birds. An application such as this has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The nearest third-party properties are over 200 metres away: Southwood Cottage to the east and Southwood House to the southeast.
- 59 The proposed facility will produce two 'crops' per year, on a 24-week cycle. At the end of each cycle the sheds undergo an intensive cleaning and disinfection phase for new crop/flock arriving and litter is removed in covered trailers and used as fertiliser.
- 60 The closest property, which is within the applicant's ownership, and located just to the southeast is an existing semi-detached cottage which is to be replaced with a new managers property which recently saw planning permission granted.

### Air Quality

- 61 There is an existing incinerator associated to the existing buildings/operation and plans show the potential location for a new incinerator, a 94kW Volkan 150. The applicant has submitted a technical specification, drawing number 17.
- 62 The planning statement indicates a new incinerator is still to be confirmed and that through the project it is expected that the site will still comply with the requirements of the Air Quality Standards (Scotland) Regulations 2010. As particulate emissions (dust) are managed through good general housekeeping practices.
- 63 Environmental Health colleagues have reviewed the submissions and confirm that the proposals can minimise and control dust, and that the residential amenity of neighbouring properties will not be adversely affected.

### Noise

- 64 A Noise Impact Assessment (NIA) 'Purreldeggie Poultry Unit' dated June 2022, undertaken by Muirden Energy LLP has been submitted. The NIA has assessed operational noise from the ventilation fans and vehicle noise associated with deliveries and manure removal. Environmental Health (EH) colleagues have assessed the potential impact on residential properties.

- 65 EH advise that the NIA has undertaken a conservative assessment, assuming that all fans will be operational at all times. However, in theory the operation of the fans is dependent on the air conditions within each individual shed and will only operate when required. Thus, there will be periods when the fans are not operational due to colder weather conditions.
- 66 Similarly for deliveries, the standard assumption of a Sound Power Level of 105dB(A) was used for each lorry type associated with deliveries for feed and bird stock and manure removal.
- 67 These noise sources combined saw predicted noise levels at noise sensitive receptors were assessed. The predicted external noise levels from the ventilation units identified to at Southwood was 28dB and Southwood House 27dB; and the predicted external noise levels from vehicle movements at Southwood 49dB and Southwood House 51dB. It is noted that deliveries and manure removal will be carried out during normal working hours.
- 68 EH conclude that the predicted levels are not assessed to exceed World Health Organisation (WHO) criteria for both daytime and night-time periods and see an impact of 'low significance' therefore not likely to unacceptably impact the residential amenity of existing residential properties. However, EH recommend that a plant noise condition is attached to any consent (condition 4).

### Odour

- 69 The submitted a Planning Statement and Noise Management and Odour Management Plan, which set out the intended odour and noise management arrangements. These have also been reviewed by EH.
- 70 EH note the existing poultry farm and that there will not be any 'new' odour sources resulting from a similar activity. Although there is to be an increase in bird numbers from 11,000 to 26,000 birds, the improvements and modernisation of sheds replacing the existing facility will further minimise emissions.
- 71 The poultry sheds will be ventilated by means of a computer controlled mechanical ventilation system which continually monitors parameters such as temperature and humidity, to ensure the optimum conditions and dry manure thus reducing emissions of ammonia and odours.
- 72 Overall, EH have, subject to planning conditions, raised no concerns relating to noise and odour impact on residential properties, with suitable controls recommended (conditions 4-9). The proposal is therefore considered to comply with LDP2 Policy 56 with no unacceptable impact on the amenity of residential properties.

### **Contamination**

- 73 PKC's Contaminated Land Team were consulted and advise of a potentially range of contaminants associated to agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings and uses. In addition, there is potential for made ground. The risks associated with

this remain difficult to quantify, without sampling and chemical analysis of soils to determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

- 74 It is therefore necessary to undertake an evaluation for the potential of the site to be affected by contamination, to assess the potential risk and if after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken. As such, subject to planning condition, the proposal complies with LDP2 Policy 58A (condition 3).

### **Roads and Access**

- 75 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Concerns have been expressed in representations regarding road safety and traffic congestion.
- 76 The site is directly accessed off of the C472 public road network approximately 700 metres north of the B8062 at Millhills. To the north the C472 links with the C410 at Wester Dollerie, providing a link between Crieff and Huntingtower and onwards travel to the A85 Trunk Road Network.
- 77 The applicant has advised that they would ideally like to recruit from the local area, as detailed in Section 2.5 of the Supporting Information. As there is a desire to employ local people for the jobs at the site, there is an opportunity for them to be within a distance that they could cycle to the site. Five secure covered cycle parking spaces has been incorporated into the site. Transport Planning colleagues have recommended that 10 cycle parking spaces are provided prior to the occupation of the development, however, given the number of staff indicated and likely numbers at any one time, 5 is considered adequate. This can be controlled by condition (condition 12).
- 78 Proposed car parking: 18 standard bays and 1 disabled bay. In addition, there will be a large hardcore area where vehicles will be able to turn, meaning that vehicles will be able to access and egress in a forward facing gear.
- 79 The predicted level of traffic journeys to and from the site throughout the year see a majority of vehicle movements daily commuting trips. There will also be a number of HGV movements associated with normal operations including: the delivery of feed, fuel and poultry lorries at an average of 5-6 HGVs per month. During the clean out period it is anticipated that agricultural vehicles and trailers, including slurry tankers will be used for the removal of poultry litter and wastewater.
- 80 The comparison of the current lay farm and proposed rearing farm predict that the future number of vehicle movements will be reduced for both HGVs and cars.
- 81 During the construction phase it is anticipated that the following vehicles will access the site:
- 48 artic lorry deliveries.

- Approximately 80 concrete delivery loads per shed – the most frequent vehicle movements, but over a seven-week period occurring 4 times over (four poultry sheds on site).
- All other vehicle movements will be small vans / two axle lorries.

82 Transportation and Development are content that the appraisal of the traffic impact of the proposal at both construction and operational stage is reasonable. The existing vehicle accesses will be upgraded and improved, however more details are required, including for visibility splays. This can be controlled by condition (conditions 13 and 15). A construction traffic management plan will also be required due to the nature of the local road network, so that the construction traffic can be directed along appropriate roads. This can be controlled by condition (condition 11).

## **Drainage and Flooding**

### Flooding

83 A review of fluvial and pluvial flooding reveals that the proposed site is not at risk of flooding from either source.

### Surface Water Drainage

84 A drainage impact assessment includes greenfield runoff calculations and MicroDrainage modelling output. The proposed drainage layout sees runoff from hardstanding areas collected by filter drains and directed to an attenuation basin and subsequent discharge to the Millen Burn through a manmade ditch. Discharge will be controlled to the greenfield runoff rate using a hydrobrake.

### Foul Drainage

85 Foul water to be treated using Graf One2Clean 2x4800l Wastewater Treatment System before discharging to the sites detention basin.

### Groundwater Contamination

86 The requirements of the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code will be followed to reduce pollution risk from manure. All wash water will be collected in tanks within each shed and removed from site by slurry tanker following the PEPFAA Code.

87 Overall, Structures and Flooding have not raised any concerns over the potential for flooding and/or drainage implications associated with the proposed development. The proposal is therefore considered to comply with LDP2 Policies 52 and 53.

## **Water Supply**

88 Concerns were raised in the public consultation regarding potential reduction in the local water supply as a result of the proposed development. In terms of the supply to the site, it is mains connected and Scottish Water have confirmed there

is sufficient capacity in the Turret Water Treatment Works. In addition, as an existing poultry facility there is existing infrastructure which will be reused where possible. The submission confirms best practice and steps to minimise water use, such as non-leaking drinking systems (e.g. nipple drinkers) will be used with water consumption checked daily. Water tanks will provide a backup supply and can be filled at times of low demand.

### **Natural Heritage and Biodiversity**

- 89 LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. Although no ecological information supports the application, it is not deemed necessary as the proposed development will be on cropped agricultural land and offers negligible value to biodiversity.

#### Breeding Birds

- 90 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest while it is in use or being built; or obstruct or prevent any bird from using its nest. Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive and an informative is recommended.

#### Biodiversity Enhancement

- 91 Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. In this respect planting a new hedgerow of mixed native species and additional tree planting, extending around the edge of the red line site boundary, would result in biodiversity enhancement. However, a detailed landscaping plan and planting schedule will be required indicating: species, location, tree stock size, type, planting spec, maintenance, vermin and weed control.
- 92 It is accepted that the proposal complies with LDP2 Policy 41 subject to conditions 19-20.

### **Prime Agricultural Land**

- 93 The land is designated as Class 3.1 "*Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range.*"
- 94 Policy 50 of LDP2 sets out that development out with settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land. It further specifies that small scale development directly linked to rural business may be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and it does not adversely affect the viability of the agricultural unit.

- 95 All land surrounding the site is identified as Class 3.1, therefore, there is no other suitable non-prime land adjoining the site which could be considered as an alternative extension area. The reasons for selecting the location are clearly set out in supporting documents and considered reasonable. The area of prime land proposed for development is considered small scale when compared to the extent of remaining prime land available in this location and the proposal is linked to an existing rural business at the location.
- 96 Thus, although prime agricultural land, the proposals can be justified via Policy 50. The additional land take is approximately 22,000sqm, which in the context of the remaining prime agricultural land, is minimal and there is no other suitable non-prime land available adjoining this existing business. Furthermore, taken the above into account, the proposal is a necessary repurposing of an existing business,
- 97 The NPF contains the similarly aligned Policy 5, that provides for development proposals on prime agricultural land where it is for '*...small-scale development directly linked to a rural business, farm or croft...*' where the layout and design of the proposal minimises the amount of protected land that is required.
- 98 Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development and as such complies with policy 50 of LDP2 and policy 5 of NPF4.

### **Archaeology**

- 99 The site lies in a sensitive archaeological and landscape area, largely undeveloped. The applicant has submitted a Desk Based Archaeological Assessment which Perth and Kinross Heritage Trust (PKHT) have reviewed.
- 100 The Assessment identifies various archaeological assets out with the site that form part of a rich prehistoric landscape. Although most known assets were identified via arial photographs, PKHT agree with the assessment that there is potential for unknown buried remains within the site and recommend that an archaeological evaluation across 10% of the development area is undertaken in line Scottish Planning Policy (SPP) and recommend a condition for a programme of archaeological works be attached to any consent. Whilst the consultation response makes reference to SPP, which is no longer a material consideration, the recommended condition (condition 21) is still relevant to accord with Policy 7 Historic Assets and Places of NPF4 and LDP2 Policy 26B.

### **Developer Contributions**

- 101 The site is out with any area where financial contributions towards roads infrastructure is required.

### **Economic Impact**

- 102 This development will create employment opportunities for the local community and there will be a significant number of economic opportunities associated in terms of the construction period, haulage and the agricultural supply chain. As

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

#### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 103 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 relocate the SUDS to the north of the site and revise access arrangements to allow all proposed works to be contained within the red line site boundaries.

#### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 104 None required.

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

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

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

- 106 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

- 107 Accordingly the proposal is recommended for approval subject to the following conditions.

#### **RECOMMENDATION**

##### **Approve the application**

##### **Conditions and Reasons for Recommendation**

##### **General**

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.

### **Contamination**

3. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

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

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

### **Residential Amenity**

4. 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.

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

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



6. The hereby approved Odour and Noise Management Plan, contained within the Planning Statement (drawing No 26) shall, be implemented in full and be strictly adhered to throughout the operational stage of the development to ensure the control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that, would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry units

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

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

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

8. Audible vehicle reversing alarms shall be operated on the method that the warning is only emitted, if necessary, e.g., on an infrared signal which detects persons/hazards to the rear of the vehicle.

Reason - In order to minimise noise emissions and safeguard the residential amenity of the area.

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

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

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

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

### **Roads and Access**

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

12. Prior to the occupation of the development, the applicant shall provide 5 cycle parking spaces in accordance with the approved details (drawing number 23) to the satisfaction of the Council as Planning Authority.

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

13. No development in connection with the permission hereby granted shall commence unless both the vehicular accesses have been provided and surfaced in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 10.5 metres. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

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

14. Prior to the development hereby approved being completed or brought into use, whichever is the earlier, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.

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

15. Prior to the commencement of the development hereby approved, full visibility splays of 75 metres along the channel line shall be provided to the left and right of the accesses, 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 greater than 1.05 metres in height shall be removed and relocated out with the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction above 1.05 metres 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.

### **Landscape**

16. 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. All tree and hedgerow planting shall be of an appropriate native species. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

17. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

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

18. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full

accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

### **Biodiversity**

19. 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.

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

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

### **Archaeology**

21. 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 archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. The 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.
7. 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.

8. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
9. 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.
10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
11. 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).
12. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
13. 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 relocate SUDS and revise access arrangements.

Background Papers: One letter of representation

Contact Officer: Gillian Peebles

Date: 30 June 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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