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Council Building
2 High Street
Perth
PH1 5PH

07/03/2022

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 16 March 2022 at 10:00**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

Councillor Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Michael Barnacle
Councillor Rhona Brock
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Tom McEwan
Councillor Crawford Reid
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Wednesday, 16 March 2022

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 16 FEBRUARY 2022 FOR APPROVAL**
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR CONSIDERATION**
 - 5(1) MAJOR APPLICATION**
 - 5(1)(i) 21/01646/FLM - ERECTION OF A REPLACEMENT SCHOOL INCLUDING FORMATION OF PLAYING FIELDS, PARKING, LANDSCAPING AND ASSOCIATED WORKS, PERTH HIGH SCHOOL, OAKBANK** **5 - 30**
Report of Handling by Head of Planning & Development (copy herewith 22/49)
 - 5(2) LOCAL APPLICATION**
 - 5(2)(i) 21/02058/FLL - CHANGE OF USE FROM AGRICULTURAL LAND TO EQUESTRIAN BUSINESS AND DOG EXERCISE AREA COMPRISING OF OUTDOOR RIDING ARENA, TRACKED LIVERY, SHELTERS, TACK ROOMS, OFFICE/TOILET BLOCK, ACCESS TRACK, CAR PARKING, FENCING/FLOODLIGHTING, SITING OF A MOBILE HOME (TEMPORARY RESIDENTIAL ACCOMMODATION) AND** **31 - 60**

**ASSOCIATED WORKS, LAND NORTH WEST OF NO2
BLAIRFORD FARM COTTAGE, BENARTY ROAD, KELTY**
Report of Handling by Head of Planning & Development (copy
herewith 22/50)

6 PROPOSAL OF APPLICATION NOTICE (PAN)

- 6(i) 21/00020/PAN - FORMATION OF A BATTERY STORAGE COMPOUND COMPRISING BATTERY STORAGE UNITS, ANCILLARY BUILDINGS AND EQUIPMENT, LANDSCAPING AND ASSOCIATED WORKS, SHINDOUR, FEDDAL HILL WOOD, BRACO** **61 - 70**
Pre-Application Report by Head of Planning & Development (copy herewith 22/51)
- 6(ii) 22/00002/PAN - FORMATION OF A BATTERY ENERGY STORAGE COMPOUND COMPRISING BATTERY STORAGE UNITS, ANCILLARY BUILDINGS AND EQUIPMENT, LANDSCAPING AND ASSOCIATED WORKS, LAND NORTH OF ABERNETHY CEMETERY, NEWBURGH ROAD, ABERNETHY** **71 - 80**
Pre-Application Report by Head of Planning & Development (copy herewith 22/52)
- 6(iii) 22/00004/PAN - FORMATION OF BATTERY ENERGY STORAGE COMPOUND COMPRISING BATTERY STORAGE UNITS, ANCILLARY BUILDINGS, STORAGE CONTAINERS, LANDSCAPING, ERECTION OF FENCING AND ASSOCIATED WORKS, LAND NORTH EAST OF JAMESFIELD ORGANIC CENTRE, NEWBURGH** **81 - 90**
Pre-Application Report by Head of Planning & Development (copy herewith 22/53)

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Perth and Kinross Council
Planning & Development Management Committee – 16 March 2022
Report of Handling by Head of Planning & Development (Report No. 22/49)

PROPOSAL:	Erection of a replacement school including formation of playing fields, parking, landscaping and associated works
LOCATION:	Perth High School, Oakbank Road, Perth, PH1 1HB

Ref. No: 21/01646/FLM
Ward No: P10- Perth City South

Summary

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

1 BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for the erection of a new secondary school, within the grounds of and which would replace the existing Perth High School, in the south-western area of Perth city. The surroundings are mainly residential areas to the north, south and west, whilst Oakbank Primary School is immediately to the east, with Fairview School, Viewlands Primary School and Perth Academy lying further east.
- 2 The existing secondary school was opened in 1971 and occupies the southern area of the site, with an existing Multi Use 3G sports pitch in the south-west corner. Grass pitches and playing fields occupy the northern area of the site and an existing bus drop off area in the south-east corner, with a car park to the west, to the south of the school building. The bus drop off and carpark are accessed from Oakbank Road.
- 3 The replacement school is to be developed in the western area, whilst the current school continues to operate. Once the new school is operational, the existing building will then be demolished. Thereafter, the remaining pitches, landscaping etc will be completed as a final phase.
- 4 The new school building will be spread over three levels, with an additional lower ground floor in the southern part as a result of changing site levels. The new building is triangular in form with the floorplans split into subject areas and featuring large double height spaces for breakout, dining and a theatre space. New sports pitches will be laid out to the north/east of the site.

- 5 There are two new access points on Viewlands Road West to provide a main school entrance with visitor and accessible parking and a second for servicing. The existing carpark will be retained on Oakbank Road, whilst the remaining Oakbank Road entrance will see bollards restrict access to pedestrians and cycles, etc. Further pedestrian paths will also provide access from various points.

PRE-APPLICATION CONSULTATION

- 6 The proposal is classed as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant was therefore required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held locally on 28 October 2019 with around 200 people attending and feedback forms submitted. The main issues raised were possible traffic congestion; the positioning of the school on the site; proximity of the building to residential properties on the western boundary; the existing allotment; impact on trees; and several indications of interest in relation to sustainable design aspects of the design, solar panels, green roof, heat pumps, etc.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 An EIA screening exercise (19/02051/SCRN) was carried out in relation to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not required, however an overview of environmental considerations is contained in the submitted Planning Statement.

National Policy and Guidance

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

National Planning Framework 2014

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP)

- 10 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the

application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

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

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

- Sustainability : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

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

National Roads Development Guide 2014

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

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 10: Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 19 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14: Open Space
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposal

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

Placemaking Supplementary Guidance March 2020

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

Supplementary Guidance Flood Risk and Flood Risk Assessment

- 22 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

SITE HISTORY

- 23 **11/00674/FLL** Installation of a new multi-use sports pitch with flood lighting and athletics sprint track.
- 24 **12/02177/FLL** Erection of sports hall, associated changing facilities, offices and classroom accommodation.
- 25 **13/01927/FLL** Modification of planning permission Ref: 12/02177/FLL Erection of sports hall, associated changing facilities, offices and classroom accommodation.
- 26 **19/00007/PAN** The scope of a public consultation exercise relating to the proposed development of a replacement school and formation of playground areas, sports pitches, parking areas, landscaping and associated works was agreed on 21 October 2019.
- 27 **19/02051/SCRN** A Screening Opinion that an EIA was not required in relation to the development of a replacement school was issued by PKC on 9 January 2020.

CONSULTATIONS

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

External

- 29 **Scottish Water:** No objection. Advise there is currently sufficient capacity to service the development in both Perth Water Treatment Works and Perth City Waste Water Treatment Works.
- 30 **Scottish Environment Protection Agency:** No objection. Discussions confirmed that no formal response was required.

Internal

- 31 **Environmental Health:** No objection, subject to conditions regarding operational noise and potential contaminated land.
- 32 **Transport Planning:** No objection, subject to conditions controlling access details, submission of a Construction Traffic Management Scheme and Travel Plan.
- 33 **Structures & Flooding:** No objection, subject to conditions regarding drainage.
- 34 **Development Contributions Officer:** No objection. Confirm no contributions required.
- 35 **Biodiversity/Tree Officer:** No objection, subject to conditions regarding protected species, tree protection and nesting birds.
- 36 **Planning & Housing Strategy:** No objection. Advise of satisfaction that proposals complies with the Local Development Plan.
- 37 **Commercial Waste Team:** No objection, confirm waste provision is acceptable.
- 38 **Perth & Kinross Heritage Trust:** No objection, advising of no archaeological implications.

REPRESENTATIONS

- 39 Three representations have been received. The main concerns relate to:
- Landscaping
 - Road safety
 - Anti-social behaviour around access points
 - Noise disturbance during construction
 - Impact on residential amenity
 - Inappropriate scale and mass
- 40 These issues are addressed in the Appraisal section below.

ADDITIONAL STATEMENTS

41	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal concludes AA Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment; Bat Survey; Ecological Assessment inc Tree Survey; Drainage Impact Assessment; Transport Assessment; Noise Impact Assessment; Energy Statement Planning Statement

APPRAISAL

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are assessed in detail below. In terms of other material considerations, this includes matters such as the Council's other approved policies and supplementary guidance.

Principle

- 43 The existing Perth High School building and wider site sits partially within an area zoned under Policy 17 'Residential Areas' within which proposals for improvements to community and educational facilities are encouraged. The remainder of the site sees an open space designation covering the existing playing fields. Development of open spaces is generally resisted, but Policy 14 includes an exception where '*proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*' In this regard, it is welcomed that a variety of informal and formal open spaces for sports and socialising will be provided as part of the overall development. Comparing the existing and proposed facilities it is considered that the completed development will provide greater benefit than the existing provision.

- 44 Policy 1 Placemaking and the supplementary guidance are also applicable. Together they seek to ensure that the design and siting of new development respects the character and amenity of the place, with a number of assessing criteria.
- 45 The proposal complies in principle with Policy 1, 14 and 17. There are a number of other relevant policies relating to residential amenity, noise, surface water, biodiversity, trees and access, etc. which are covered in more detail below.

Design and Layout

- 46 The existing school is to remain operational during construction to ensure continuity of education facilities. The delivery model saw a series of options explored where development was limited to areas of the site not occupied by existing buildings. As a result of the various options, the final design sees the replacement school sited in the west of the site. It is noted that this option will see the use of current recreational and social spaces affected in the short term, although they will ultimately be replaced as part of the wider project.
- 47 The proposed building is broadly triangular (or boomerang) in form with a diverse range of spaces within the building. The building will predominantly be over 3 levels but will also incorporate a lower ground floor to utilise the changing topography to the south.
- 48 The internal arrangement will feature subject classroom areas, offices etc on each floor interspersed with a series of larger more flexible spaces which vary in function. The south-western part of the building is dominated by a partly triple height dining/social space which is connected to an external dining terrace. The focal point is a multi-purpose auditorium space in the heart of the building.
- 49 Externally due to the scale of the building the elevations are tall. The use of extensive areas of glazing, feature corners and prominent entrances break up their mass. A varied mix of finishing materials is shown on the plans the details of which will be secured by condition (Condition 18)
- 50 Externally there are a number of areas proposed, an external dining space is on the southwest side of the building, a service area is to the northwest, sports pitches are located to the east (football pitch, rugby pitch, all weather pitch and MUGA) and there is an allotment, garden and social spaces throughout the site.
- 51 In terms of layout, maintaining an operational existing school leaves limited options, but the proposed arrangements work well and optimises use of available space. In terms of the design, finishes and siting the proposal is considered to comply with LDP2 Policy 1 – Placemaking and the associated Supplementary Guidance.

Residential Amenity

- 52 The proposed school is positioned to the west of the site, with the triangular footprint setting the elevations off at an angle from the boundary. At the closest point the building is 20.8 metres from the neighbouring rear property boundaries. At this closest point the 2nd floor is cut back on the corner to form a terrace, which sets back windows further from the boundary. The Placemaking Supplementary Guidance outlines general considerations for the spacing of residential development in relation to boundaries and windows which advises 9 metres window to boundary distances. Although guidance for residential accommodation, this can be used as a general guide in this case to consider the spacing between the school and the closest neighbours. It is considered that the design of the building and intervening distance, combined with boundary treatments is adequate to mitigate the impacts of the development on existing residential amenity along this boundary. To the north and south, existing dwellings are located across public roads and at these points the elevations are offset. To the south there is an existing woodland tree belt and to the north a separating distance in excess of 60 metres which is adequate to mitigate impacts.
- 53 The proposal includes the formation of two new vehicular access points at Viewlands Road West, one of which is the service access. This service access, whilst being designed offset, is opposite a dwellinghouse. However, this arrangement is not dissimilar to the existing Perth HS and Oakbank PS access, which also face two existing dwellinghouses. As a result of proposed level of use and being off set, the new access is not considered to unacceptably impact residential amenity.
- 54 The proposals also include a lighting scheme, and to protect residential amenity from potential light spillage, a condition is recommended. (Condition 3)

Air Quality

- 55 The site is located within Perth's Air Quality Management Area (AQMA).
- 56 The Transport Assessment submitted predicts that there will be a total of 329 vehicular trips in the morning peak hour and 315 in the afternoon peak. It should however be noted that the school is a replacement facility and therefore the trips being generated are not new and will not alter from the existing patterns. The new school will have the same capacity as the existing school with the same number of staff and using the same car parking facilities and drop off arrangements. In addition, entrance points from the external network are generally in the same locations. During site observations, there appeared to be no significant, lasting congestion issues surrounding morning and evening peaks, so it is considered that the trip generation of the school does not requiring any mitigation.

- 57 As the transport assessment indicates that there will be no significant increase in traffic, there is no requirement to proceed to a detailed Air Quality Assessment.

Noise - Operational

- 58 The school is well established at this site and Environmental Health consider that the replacement school building will not adversely affect residential amenity in relation to noise from daily operations.
- 59 An air source heat pump (ASHP), sprinkler system and sub-station will be incorporated, within timber enclosures. Given that the distance between neighbouring properties and the proposed ASHP (c.60m), and between neighbouring properties and the sub-station (c.8m), EH consider that acceptable noise levels are achievable. However, as there is the potential for noise from plant to adversely affect residential amenity, a condition, based on Noise Rating levels, is proposed to protect residential amenity. (Condition 2)

Construction and Demolition

- 60 There is the potential at the construction stage for noise to adversely affect residential amenity, however this is a short-term impact and not a long-term consequence of the development. EH recommend a condition to control construction hours and whilst this would be a duplicate of a control which is already within the power of Environmental Health to enforce, on this occasion, due to the proximity of neighbouring residential properties and to ensure consistency with the recently approved replacement North Muirton Primary School, it is recommended that control of construction hours is included as a condition. (Condition 19)
- 61 There are several sensitive receptors including residential properties and the existing school and as stated above, the site is within Perth's AQMA. As a result, EH recommend that a dust management plan is submitted by the contractor prior to the construction stage of the development. (Condition 4)
- 62 It is therefore concluded that there is no unacceptable impact on residential amenity and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.

Contaminated Land

- 63 A search of historical records shows the presence of areas of filled ground on the proposed site and therefore a condition is required to deal with any potential contamination. (Condition 5)

Roads and Access

- 64 The existing access on Viewlands Rd West will be retained and will continue to serve Oakbank Primary School but not the future Perth High School. The new School will be served by the two new accesses onto Viewlands Road

West. The existing accesses on Oakbank Road will be retained, one of which will continue to serve the existing carpark and the other will be utilised as a pedestrian/cycle access with bollards.

- 65 The site will provide 117 car parking bays plus 10 bays for visitors, 7 for motorcycles and 7 accessible bays. This meets the National Roads Development Guide. There are also 50 cycle spaces provided and an area annotated for the development of a cycle store. Based on the pupil/staff numbers, the National Roads Development Guide indicates that 563 cycles spaces should be considered. It has been agreed with Transport Planning that this number is too high, particularly due to the large number of pupils who arrive at Perth High School by school bus from outlying areas as well as the high number of pupils who walk as a result of the large number of residential properties in close proximity. It is therefore considered that appropriate levels can be determined and adjusted accordingly. A condition will be added to ensure that increased cycle parking is provided, advised in the region of 120 spaces and that the details of a covered cycle storage area are agreed. (Condition 9)
- 66 The site layout also indicates 7 EV charging points, which will provide charging for two vehicles (i.e.14 EV spaces).
- 67 Concerns were raised in letters of representation regarding the visibility splays of the two new access points onto Viewlands Road West. Transport Planning colleagues visited the site and note that the required visibility splays are achievable and they have no concerns.
- 68 Transport Planning also confirm that discussions have taken place on site involving the Public Transport and Road Safety Team regarding measures to improve bus infrastructure and pedestrian safety, which are to be investigated separately outwith the planning process.
- 69 The proposed development includes several pedestrian paths with several gated access points. The proposed pedestrian access point from Jock's Way, the lane to the west has been noted as an area of concern in relation to anti-social behaviour and it has been requested that the gates be locked out with school hours. This is not a planning issue but it is a matter which local residents may wish to discuss directly with the Council's Education Service.
- 70 It is recommended that a Traffic Management Scheme is submitted and that a Travel Plan is prepared in advance of the school opening and updated at regular intervals. Conditions have been recommended to secure these. (Condition 7 & 8).
- 71 An existing bus shelter (located on Viewlands Road West) needs to be relocated and a condition is required so that the details can be agreed. (Condition 6)
- 72 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 73 The site is not located within an area of Flood Risk and Scottish Water have no objection, as the site will utilise the existing drainage connections. The submission is supported by a Flood Risk Assessment and Drainage Impact Assessment.
- 74 The surface water drainage will be a combination of utilising the existing connection and an underground attenuation system. Whilst the preference of the Council is generally for above ground solutions, it is recognised that this may reflect the available space and land uses (health & safety, etc.). It was recommended that consideration be given to rainwater harvesting which presents an opportunity to remove some surface water from the piped drainage system. This has been incorporated by the inclusion of a rainwater garden into revised landscaping plans.
- 75 Pre-commencement conditions for the detailed drainage design is requested as is temporary surface water measures. (Condition 10 and 11). It is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage.

Landscape

- 76 Due to the school's proximity to existing residential properties, three of the boundaries north, south and west will feature the retention of some existing trees and a mix of new planting proposals, particularly on the western boundary. This western boundary will feature two areas of planting: a woodland block to tie in with the existing woodland along the southern boundary; and an area to the north featuring planting in tree groups. This will provide screening but not result in an enclosed/tunnel effect along the narrow pedestrian lane (Jock's Way). The planting groups feature a mix of tree species, which are being proposed at a relatively advanced level of growth/height, thereby providing reasonable immediate screening.
- 77 In contrast, the east boundary is open, providing a relationship with Oakbank Primary School. The rear of the school, to the west, which includes the proposed service yard and dining terrace is currently fully secured by a 2.4m high weld-mesh fence.
- 78 In addition to the boundary planting the proposed development includes an allotment, gardens, raingarden and landscaped areas for seating and dining.
- 79 The landscape proposals for the site are considered to be substantial and to comply with Policy 1 Placemaking.

Natural Heritage and Biodiversity

- 80 Policy 40: Forestry, Woodland and Trees states that there will be a presumption in favour of protecting woodland resources. Where the loss of

woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.

- 81 The proposed landscaping contains several positive elements and many recommendations outlined in the Tayside Biodiversity Partnerships 'Incorporating Biodiversity into Development' have been included and are welcomed. This includes compensatory planting for lost trees, with mainly native species such as Scots Pine. Species to encourage bats have also been included.
- 82 Policy 41: Biodiversity seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 83 The ecological survey information submitted is comprehensive and considered to be an exemplar in accordance with publicised best practice. All methods in the submitted Updated Ecology Report are also best practice. Dusk and dawn surveys carried out in July 2019 confirmed the presence of a non-breeding roost used by common and soprano pipistrelle bats. The results of these bat surveys remain valid until May 2022, following advice from NatureScot.
- 84 The provision of bat boxes (on the proposed building and in existing trees) is welcomed and will contribute towards the School Bats Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 85 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 of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. As such clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive.
- 86 The submitted Updated Ecology Report notes the presence of house sparrow, swallow and starling. This development will positively contribute to local biodiversity by providing nest boxes for house martin, swallow, swift and sparrows. This will also contribute towards the Sparrows on the Edge Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 87 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. This proposal contains several enhancement measures such as native planting, bird and bat boxes and the creation of a raingarden.
- 88 Conditions are recommended in relation to trees, landscaping and protected species. (Conditions 12, 13, 14 and 15) As a result of the measures outlined

above, the proposal is considered to comply with Policy 40 Forestry, Woodland and Trees and Policy 41 Biodiversity.

Sustainable Development

- 89 Policy 32 requires that proposals for all new buildings are required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The submitted Energy Statement includes information detailing the overall energy strategy, including a range of passive, active and technological (green) measures to meet Building Standards/Passivhaus compliance. It is highlighted that the proposal will include air source heat pump and solar PV technologies. The Energy Statement outlines that the required CO2 emissions reductions will be met (15.97% improvement) through implementation of the measures outlined. Whilst reference is made to the specific 10% requirement being met through Low and Zero Carbon Generating Technologies the associated calculations do not appear to specifically detail the % reduction from the proposed ASHP(s) and solar PV technologies, which is the focus of Policy 32. Further calculations should be submitted to specifically outline the 10% requirement being met to ensure compliance with Policy 32. This can be conditioned. (Condition 16).
- 90 The Energy Statement outlines that the proposal is aiming to meet 'Passivhaus' standard, which falls within one of the listed exemptions in relation to Policy 34 Sustainable Heating and Cooling. A statement should be submitted to confirm that this high level of sustainable building design is being delivered. (Condition 17),
- 91 It is considered that the objectives of LDP2 Policy 32 and 34 can therefore be met.

Waste Collection

- 92 The site plan details a large bin storage area, within a timber fenced enclosure, located to the west of the school building adjacent to the service access road. The bin store is approx. 36sq metres which is adequate and revised plans meet the Commercial Waste Teams requirements. Turning facilities have been provided to allow a refuse lorry to service the development.

Developer Contributions

- 93 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is a replacement school, and directly supports Council objectives. Contributions for Transport Infrastructure is therefore not required.

Economic Impact

- 94 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 95 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the bin storage area, SUDS improvements, inclusion of biodiversity enhancements and further tree information.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 96 None required.

DIRECTION BY SCOTTISH MINISTERS

- 97 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

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

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

3. 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.

4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise at the demolition/construction stages. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

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

5. 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.

6. Prior to the development hereby, approved being completed or brought into use, the existing cantilever bus stop shelter and flag (located on Viewlands Road West) shall be relocated to a suitable location as required and to the satisfaction of the Planning Authority and in consultation with the Public Transport Unit.

Reason - In the interests of road safety

7. Prior to the development hereby, approved being completed or brought into use until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety

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

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of pedestrian and traffic safety.

9. Prior to the commencement of development details of a secure waterproof cycle parking facility with a recommended 120 spaces, the final number of spaces shall be submitted and agreed in writing with the Council as Planning Authority. The facility as agreed shall be provided prior to the occupation or use of the approved development.

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

10. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

11. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further 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.

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 17 December 2019 and updated 26 January 2022 (plan ref 49 and 71) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

13. Prior to the commencement of any works on site a phased plan showing tree protection measures for 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 submitted and agreed in writing. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The protection measures, once in place, shall be inspected and agreed by the Enforcement Tree Officer prior to any work for each phase being undertaken and 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.

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

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

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

16. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
 - a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason – To ensure the proposal complies with Policy 32.

17. The Energy Statement outlines that the proposal is aiming to meet Passivhaus standard which falls within one of the listed exemptions in relation to Policy 34 Sustainable Heating and Cooling. An energy statement shall be submitted by the applicant/agent prior to occupation of the development to confirm that this high level of sustainable building design is being delivered.

Reason – To ensure the proposal complies with Policy 34.

18. 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.

19. 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 (as identified by Scottish Government).

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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.
3. 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.
 4. 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.
 5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
 6. No work shall be commenced until an application for building warrant has been submitted and approved.
 7. The findings and recommendations contained with the Bat Survey remain valid for until May 2022. An updated Bat Survey will be required to be undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
 8. 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.
 9. 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.

10. 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 drainage and bin storage.

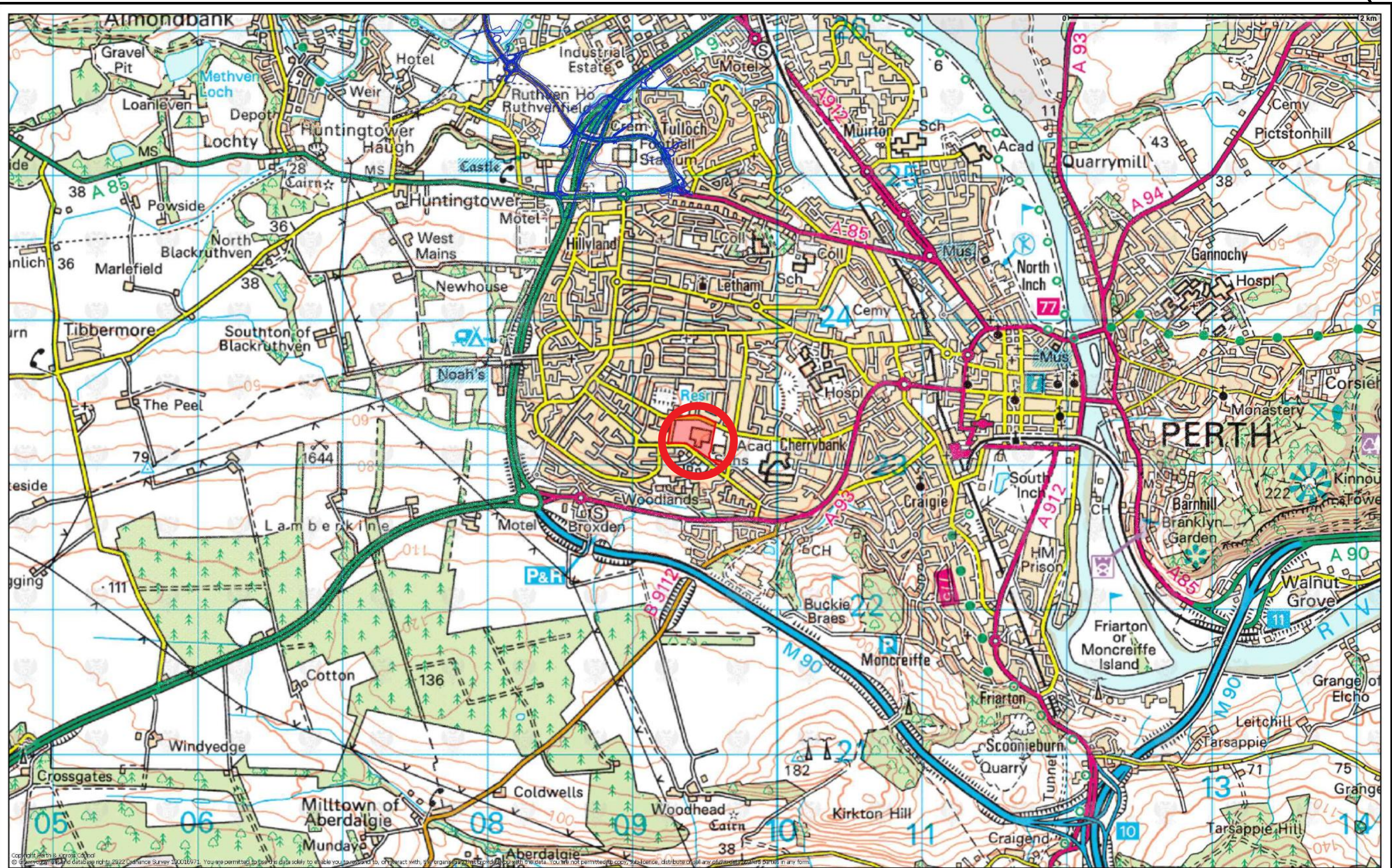
Background Papers: 3 letters of representation
Contact Officer: Joanne Ferguson
Date: 3 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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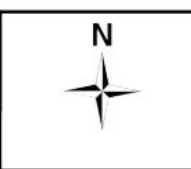
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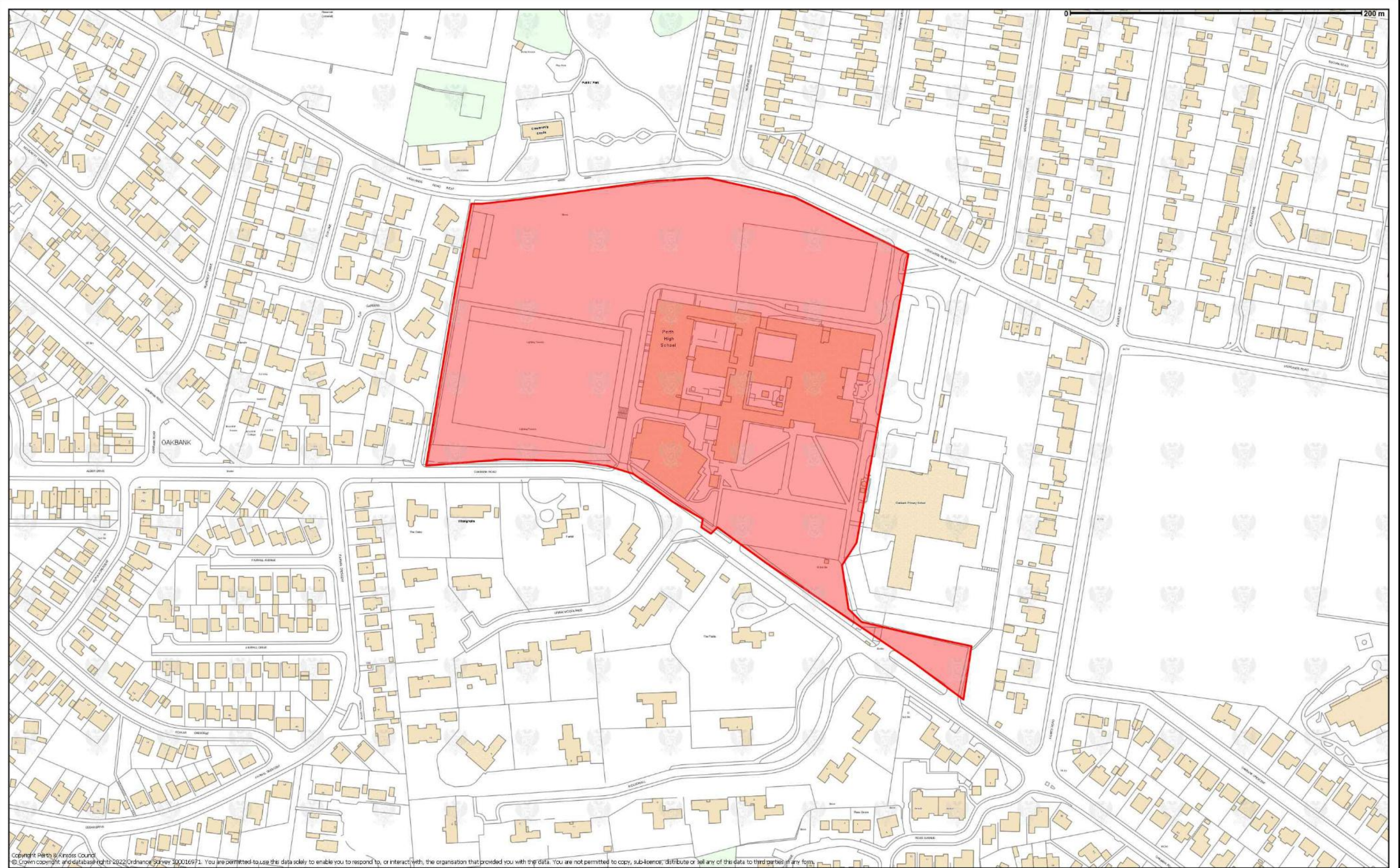
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Scale 1:25000



21/01646/FLM
Erection of a replacement school including formation of playing fields, parking, landscaping and associated works Perth High School Oakbank Road Perth

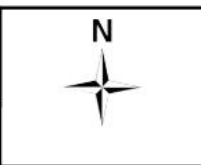




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Scale 1:2500



21/01646/FLM
 Erection of a replacement school including formation of playing fields, parking, landscaping and associated works Perth High School Oakbank Road Perth



Perth and Kinross Council
Planning & Development Management Committee – 16 March 2022
Report of Handling by Head of Planning & Development (Report No. 22/50)

PROPOSAL:	Change of use from agricultural land to equestrian business and dog exercise area comprising of outdoor riding arena, tracked livery, shelters, tack rooms, office/toilet block, access track, car parking, fencing/floodlighting, siting of a mobile home (temporary residential accommodation) and associated works
LOCATION:	Land NE of No 2 Blairfordel Farm Cottage, Benarty Road, Kelty

Ref. No: [21/02058/FLL](#)
Ward No: P8 - Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to a large open area of farmland located approximately 1km north of Kelty, that formed part of the historic coal mining operations at the Kinnaird Colliery. The site has since been reinstated and is presently an area of grassland that extends to around 8 hectares, sloping up from Benarty Road to a plateau of land that runs across the northern area of the site coming to a topographic 'high' within the central eastern area. The site is bound to the south by Benarty Road, and a group of residential properties are located south-east of the site; to the west the site is bound by an access track that serves Blairfordel Farm; and to the south-west lies a group of cottages and converted farm buildings at the Category C listed former Blairfordel Farm and Steading group.
- 2 Full planning permission is being sought to create an equestrian facility along with an outdoor dog exercise area. The core element of the proposal comprises of the creation of a 'tracked livery' business which instead of the horses being turned out into traditional paddocks, a track is formed around a central paddock which restricts grazing and promotes increased movement. The horses will also be sheltered within a single open barn rather than individual stables. The equestrian element of the proposals is to be located within the western half of the site with a large paddock formed with the track around its perimeter. A timber clad barn will also be erected to the north of the paddock which will provide shelter to the horses and storage for hay. An illuminated outdoor arena measuring 60 x 30 metres along with an office/tack room and parking area will also be formed within the northern area of site, to the east of the tracked livery

area. The proposed office/tack room building is of a traditional design clad with timber and a slate roof. It is proposed that the facility will accommodate up to 16 horses. The opening hours of the tracked livery are detailed as 0600hrs to 2000hrs, 7 days a week.

- 3 The proposals also include the formation of a secure dog walking area. This is located within the southern area of the site, adjacent to part of the tracked livery area. This area will be enclosed by 1.8m high deer fence and will also feature six 2.3m high post mounted solar lighting columns. The external light will be low lumen, motioned activated lighting which will only be operated for a maximum of 2 hours during the winter months. The proposed hours will be 0800 to 2000 from 1st April to 31st October and 0900 to 1600 1st November to 31st March. This element of the proposals will be on an advanced books only with a maximum of 8 dogs permitted at any one time. The applicants also intend to run a puppy play sessions/dog meets at weekends. These sessions will run between 0800hrs and 1200hrs, where the total number of dogs will not exceed 10 dogs per hour.
- 4 In addition to the above, the applicant is also seeking permission for the erection of temporary residential accommodation along with a private tack room/shelter and associated paddock. The proposed temporary accommodation is a large, pitched roof mobile home measuring 12.4m x 6m, containing three bedrooms. The tack room/shelter is similar in design to the office/tack room associated with the livery, clad with timber and featuring a slate roof.
- 5 It is proposed that this temporary accommodation is required to care for the horses and provide security. It has been indicated that permission will be sought in due course for a permanent house once the business has become successfully established. A site for the permanent house has been identified indicatively on the site plan but no further details have been provided at this stage.
- 6 Access to the site is to be taken via a newly formed junction onto Benarty Road which is a private access that is not maintained by Perth and Kinross Council. The applicant also proposes to widen a short section of the roadway in order to improve traffic movement and improve safety for all road users.

PRE APPLICATION CONSULTATION

- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.
- 8 A pre-application enquiry was submitted to the Planning Authority in advance of the submission of the application (20/00391/PREAPP). A similar proposal was presented for comments and policy advice was provided to the applicant regarding establishing a new rural business and associated house under operational need.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

- 10 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 11 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 60: Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 1/2011: Planning and Noise

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice For Investment
- Policy 4: Homes
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 18 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 27A: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land

- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53B & C: Water Environment and Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated Land
- Policy 58B: Contaminated and Unstable Land: Unstable Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

Placemaking Guide 2020

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

SITE HISTORY

- 21 [21/00666/FLL](#) Change of use from agricultural land to equestrian business and dog exercise area comprising of outdoor riding arena, tracked livery, shelters, tack rooms, office/toilet block, access track, car parking, fencing/floodlighting, siting of a mobile home (temporary residential accommodation) and associated works) – Application Withdrawn in order to resolve issues in relation to the private access.

External

The Coal Authority

- 22 No objection subject to a condition requiring further ground investigations as per the recommendations of the Mineral Stability Risk Assessment.

Scottish Water

- 23 No objections received.

Cleish and Blairadam Community Council

- 24 Object to proposals on the basis that the development will impact on the character of the landscape, impact on nearby residential amenity, proposals are not economically sustainable and road safety concerns.

Internal

Transport Planning

- 25 No concerns in respect to road safety subject to provision of proposed localised road widening and condition relating to access onto Benarty Road.

Structures and Flooding

- 26 No objection but previously recommended condition to ensure that storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems.

Environmental Health (Noise Odour)

- 27 No objection subject to conditions relating to the Noise & Waste Management Plan, control of plant noise, control of external lighting and restrictions to servicing hours.

Environmental Health (Contaminated Land)

- 28 No objection but highlight potential ground stability issues and ground contamination associated with previous coal mining operations. Recommend condition requiring further assessment of ground contamination.

Development Negotiations Officer

- 29 No contributions required.

Commercial Waste Team

- 30 No objection but previously advised that there is a requirement for a waste collection point which meets with the Councils specifications.

REPRESENTATIONS

- 31 A total of 23 valid letters of representation have been received, including one letter from Cleish and Blairadam Community Council. Of the 23 letters, 2 are in support and 21 object.

- 32 The 2 letters of the support raise the following points:

- Proposals are sympathetic to area and local environment
- Solar light will not impact on neighbouring amenity
- Previous concerns regarding noise pollution have been addressed

- Maintenance and repair of road during construction phase
- Enhances character of area

33 The 21 letters of objection raise the following points:

- Out of character with area
- Lack of operational and locational need
- Unsustainable business
- Impact on road safety
- Impact on visual amenity / landscape character
- Contrary to Local Development Plan
- Scale of development
- Loss of green space
- Overlooking / loss of privacy
- Potential ground gases
- Ground conditions
- Odour
- Noise
- Light Pollution
- Impact on Biodiversity
- Air pollution from vehicles
- Waste management
- Lack of information relating to SUDS drainage and water supply
- Flood risk
- Potential impact on trees

34 In addition to the above, concerns have also been noted in regard to existing provision of equestrian and dog walking facilities locally and claimed unauthorised activities on the land to the north of the site which is not associated with the applicant. Neither of these points are considered to be material considerations in the assessment of this application.

35 The above valid points are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Supporting Planning Statement and Business Justification Statement submitted
Report on Impact or Potential Impact	Mineral Stability Risk Assessment submitted

APPRAISAL

- 36 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 2019 (LDP2).
- 37 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.
- 38 The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020, Housing in the Countryside Guide 2020, Affordable Housing and Developer Contributions 2020 and Landscape Supplementary Guidance 2020.

Principle

Equestrian Use and Dog Exercise Area

- 39 Policy 1 of the TAYplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside where it genuinely contributes to the outcomes of the Plan, however, suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.
- 40 The implementation of this principle has been translated into LDP2 with Policy 6 'Settlement Boundaries' stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 41 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of TAYplan and Policy 6 of LDP2, there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy 8: Rural Business Diversification.
- 42 This policy is supportive of new rural businesses and whilst there is a preference that this will generally be within or adjacent to existing settlements, sites out with settlements may be acceptable where they offer opportunities to diversify an

existing business or are related to an existing site-specific resource or opportunity. As such, in this instance an application requires to adequately demonstrate that this particular site presents a site-specific resource or opportunity for the creation of an equestrian business.

- 43 In addition to the above, the policy also requires that all the following criteria are met:
- a) *The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.*
 - b) *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.*
 - c) *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.*
 - d) *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.*
 - e) *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.*
 - f) *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.*
 - g) *The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.*
- 44 In respect to the preference that development should be within or adjacent to existing settlements, it is generally acknowledged that a business such as this will normally be located in a rural area and this type of use cannot normally be suitably located within a settlement given the need for outdoor grazing, fields and access to the countryside for riding, hacking and walking dogs. As such, it is considered that the location of the site being out with an existing settlement is not a significant issue. It is also noted that the site is not within a remote landscape and would be viewed in context with other built development in the immediate area. Nevertheless, the proposals do need to demonstrate compliance with the criteria listed above in paragraph 43.
- 45 In respect to criterion (a), the applicant has provided a Business Plan that forecasts that the proposed development will not only be a financially viable business but will also have a labour requirement of 3.6 labour units. The business will be operated by the applicants, with the remaining labour requirement providing either one-person full time or two people part time employment. It is also hoped that in time, the business would be capable of supporting a further full-time position. Whilst the level of employment is quite small, it will contribute to the local economy through the provision of permanent employment and therefore complies with criterion (a) of Policy 8.

- 46 Criterion (b) seeks to avoid suburbanisation of the countryside. It is considered the proposal will not result in the suburbanisation of the area as it proposes development associated with a rural use which is commonplace in a countryside location such as this. The development is relatively modest and can be accommodated within the site without significant detriment to the visual amenity and rural character of the area. The proposal is also not considered to create unsustainable travel patterns which is referenced in more detail below in paragraph 85 and 86. The proposal is therefore considered to meet the criteria outlined in (b) above.
- 47 In terms of criteria (c) there are a number of residential buildings close to the proposed site. Assessment of this issue is outlined in paragraphs 61 - 66 below and concludes that the use of the land for equestrian purposes is not considered to be of detriment to residential amenity and can be adequately controlled through the use of conditions relating to odour and waste management, lighting and noise from plant and machinery. The proposal is therefore considered to meet criteria (c).
- 48 The proposal can be successfully accommodated within the landscape of the area as identified in paragraphs 71- 76 below and therefore meets criteria (d).
- 49 Criteria (e) requires a development to meet a specific need by virtue of its quality or location in relation to existing business or tourism facilities. The supporting information sufficiently demonstrates that there is a market for the intended use.
- 50 Criteria (f) requires development to be of a high-quality design. The scale, design and finish of the proposed modest structures and their relationship to the landscape is considered to be acceptable as outlined within paragraphs 58 - 60 below. The proposal is therefore considered to meet the criteria outlined in criteria (f).
- 51 Criteria (g) requires the local road network to be capable of accommodating the development. This is considered in more detail in paragraphs 81 - 84 below. Based upon the assessment below the local road network is considered to be capable of accommodating the traffic associated with this development subject to inclusion of the proposed localised road widening and the provision of an adequate visibility splay at the new junction onto Benarty Road.
- 52 As such the proposal is considered to accord with the criteria contained within policy 8 of LDP2.

Temporary Accommodation

- 53 The submission includes information to support the provision of permanent residential accommodation on the site, but the applicant has chosen to seek permission for the business first, whilst also seeking permission for the siting of a mobile home for a temporary period to allow the business to become established. Permission will then be sought for a permanent dwelling at a later date once the business has become well established. Whilst the proposal is not for a permanent dwellinghouse, it is considered to prudent to assess the

provision of the temporary accommodation which is to be occupied by the applicant year-round under the Housing in the Countryside Policy, Policy 19.

54 Through Policy 19 and the associated Supplementary Guidance (SG) 2020, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the following six identified categories will be supported:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

55 Category 3 is applicable which allows for the development of housing where there is an identified need and relates to economic activity. The SG states that for new businesses where a house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development or expansion of the business. Providing that the need for on-site accommodation is demonstrated, the provision of temporary accommodation, such as a mobile home, may be acceptable for a set period of time.

56 In this case the submission indicates that there is a requirement to be located onsite to care for the horses and provide security. This justification is considered to be sufficient given the nature of the business operation on site, however given the temporary nature of the caravan, a condition is recommended to ensure it is sited for a temporary period only and that the mobile home is removed, and the site returned to its original condition prior to the expiry of the temporary period of 3 years (Condition 8).

57 As such the proposed temporary accommodation is considered to comply with the requirements of Policy 19 of LDP2 and its associated SG.

Design and Layout

58 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance.

59 The proposed development relates to a relatively large site, but the physical built development is quite modest, comprising of a shelter/store, two small buildings containing a tack room and shelters, and a temporary mobile home. These buildings are positioned within the upper plateaux of the site which provides a

logical layout as this area of the site is relatively flat reducing the need for excessive under build. It also places the built development within a less visually intrusive position, further from away from nearby housing on Benarty Road and Blairfordel Farm. The finish of the permanent structures is of a high quality, with the two tack rooms/stores clad with timber and slate and the larger shelter/storage building clad with wood but with a grey corrugated roof.

- 60 Overall, the proposed buildings will not be dissimilar to many small farm holdings and agricultural buildings found throughout the area and is considered to be of an appropriate scale and design. As such the development is conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

Residential Amenity

- 61 Policies 1A, 1B and 56 of LDP2 relate to residential amenity and noise pollution and seek to ensure that residential amenity is maintained and that there is a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing noise sensitive uses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Cognisance of the surrounding land uses has to be taken into account. The land is surrounded by agricultural land, but there are a number dwellinghouses located in the immediate area that could be impacted by noise and odour arising from the operation of the site.
- 62 There is potential for odour complaints unless waste is managed appropriately. Unless manure is stored and removed correctly from site and good husbandry and procedures for storage are in place, the equestrian centre has the potential to affect residential amenity. There is also the potential for noise resulting from dog barking within the dog exercise area.
- 63 In order to address these concerns it is standard practice to require Noise & Waste Management Plan (NWMP) which sets out all of the operating practices and ensures that adequate controls are set in place to address both the control of waste on site and noise from any activities.
- 64 In consultation with Environmental Health, the applicant has produced a detailed NWMP that sets out all of the various operating practices including hours of operation, timing of external lighting, storage and disposal of manure and a complaints procedure that ensures that any issues are logged and address by a suitable point of contact. The NWMP has been reviewed by the Environmental Health Officer who has confirmed that the document and the measures proposed are acceptable subject to a condition that seeks to ensure that the requirements of the plan are strictly followed (Condition 4).
- 65 In addition to the above, it is noted that concerns have been expressed regarding overlooking and impact on the privacy of the housing to the south east on Benarty Road. The proposed development is not considered to result in any issues relating to overshadowing or overlooking given the layout of the site and its proximity to neighbouring dwellings. The existing housing on Benarty Road will have a shared boundary but all of the built development and activity

associated with the business, such as the arena, livery and dog exercise area, will be over 80 metres from the rear gardens of these properties. Furthermore, the housing on Benarty Road is both situated downhill from the site and will be largely screened from view by the existing mature woodland belt.

- 66 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwelling and therefore in accordance with the placemaking policies 1A and 1B and Policy 56 of LDP2.

Light Pollution

- 67 Policy 55 of LDP2 states that consent will not be granted for proposals where lighting would result in obtrusive or intrusive effects. It is proposed that outdoor arena and fenced dog walking area will be illuminated by pole mounted low powered solar lighting. It is stated that the lighting will only be required for a maximum of two hours a day in the height of winter and within the operating business hours.
- 68 It is noted that a number of concerns have been raised through the letters of representations received regarding the operation of any external lighting, however it is considered that the measures proposed by the applicant will provide adequate lighting to enable the business to operate safely without having a significant impact on the amenity of the wider area. The limited use of the lighting and low wattage will also greatly reduce any impact, particularly during the winter months. The proposed lighting will also be seen in the context of the existing lighting at other building groupings within the vicinity of the site. The proposal is therefore not considered to generate any significant light pollution.
- 69 Environmental Health have also reviewed the proposed external lighting proposals and advise the proposals are acceptable subject to a condition that requires that all lighting is 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 (Condition 7). This will ensure the Planning Authority maintains control over light spill and brightness. The proposal is therefore considered to comply with Policy 55 of LDP2.

Landscape and Visual Amenity

- 70 Policy 39 'Landscape' requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things not erode local distinctiveness. Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 71 The Council's adopted Landscape Supplementary Guide 2020 is applicable in respect to considering the potential landscape considerations from the proposed development. This guidance identifies the site as being located within

the Loch Leven and Lomond Hills Local Landscape Area where the main objectives are as follows:

- Maintain accessibility of this area for diverse user groups, and for diverse sport and recreational uses from bird watching to gliding
- Retain and expand native or other appropriate woodland coverage around the loch and on the adjacent hills while retaining the dramatic open landform
- Maintain special character of lochside buildings and designed landscape features, including those not listed on the Historic Scotland Inventory
- Manage agricultural land around the loch to provide benefits for biodiversity and habitats
- Increase the extent of wetland around the loch in order to enhance this internationally important wildlife site
- Ensure particular care in siting and design of potentially intrusive structures such as masts and wind turbines

- 72 It is noted that a number of concerns have been raised in respect to impact of the proposed development on the local landscape. Whilst it is accepted that any development within this site will have some degree on visual impact, it is considered that the scale and extent of development in this instance is quite modest and does not give rise to any significant concerns in respect to the objectives listed above. A large proportion of the existing site is exposed to views, with the lower sloping area of the site being open to views from Benarty Road and from the southern approach from Kelty on the B996. However, the development by its very nature, retains much of the character of the existing site, with the vast majority of the site retained as open space. Furthermore, the most sensitive southern sloping area of the site will not featuring any buildings or notable built development other than the proposed access and fencing associated with the dog exercise area.
- 73 In addition, the layout of the proposed development utilises the existing landform, positioning the majority of the built development within the flat upper section of the site which lies beyond the crest of the hill, thereby lessening the visual presence of development, particularly when viewed from Benarty Road. The applicant also utilises the existing pocket of the land within the eastern area of the site which is well contained by existing mature woodland, positioning the temporary mobile home and private tack room/shelter within this area.
- 74 It is also important to highlight that the development is not dissimilar in scale or design to the small, scattered farm buildings and rural development found throughout the local landscape. It will also be viewed in context with the existing built development in the immediate area.
- 75 Overall, it is considered that the proposed development relates successfully to the established landscape character of the area and therefore complies with Policy 39 of LDP2.

Trees and Landscaping

- 76 The proposed site itself is a large sloping area of open farmland that does not contain any trees. However, there is a relatively dense woodland belt of mature trees that runs adjacent to the south eastern boundary of the site. These existing mature trees have quite a presence within the immediate landscape and provide robust visual screening between the proposed site and the linear row of houses on Benarty Road. The proposed plans do not indicate that any works will be undertaken within the proximity of these mature trees but, given the importance of these trees it is considered prudent to condition their protection for the duration of the construction works (Condition 12).
- 77 There are also a number of self-seeded trees and shrubs alongside the southern extent of the site with Benarty Road but these are of less significance. The junction access onto Benarty Road will require the removal of a number of trees but again, these are not considered to be of any significance and the loss of these trees will not have any significant impact on the character of the area.
- 78 In respect to the provision of landscaping within the proposed site, the applicant is not proposing any significant additional planting. The existing landscape setting is considered to provide an acceptable degree of containment to the site with the mature woodland to the east and south east, along with a strong landscape backdrop provided by Benarty Hill. Some additional landscaping is however proposed along the lower southwest edge of the site adjacent to the housing at Blairfordel Farm which will improve the landscape containment and provide additional screening from the housing to the west. A condition has been applied to ensure that details of all the proposed soft landscaping are provided in advance of the development commencing (Condition 13).
- 79 Overall, the proposal in terms of landscaping and impact on trees is considered to be acceptable. Appropriate existing mature landscaped boundaries exist around the site which help to provide the site with some landscape containment. The small scale of physical built development and strong landscape backdrop will also reduce the impact of the proposed development. The proposal is therefore considered to comply with policies 39 and 40 of LDP2 regarding landscaping and trees.

Roads and Access

- 80 The proposed site will be accessed via a new junction onto Benarty Road which is a private access and not publicly maintained. A number of concerns have been expressed regarding the impact of the proposed development in respect to road safety due to the additional traffic generated by the development.
- 81 The Council's Transport Planning Team have reviewed the proposals and considered the concerns expressed in relation to road safety. In discussion with the Transport Planning colleagues, it is considered that the scale of the proposed development is unlikely to generate any significant levels of traffic and much of this traffic would be spread throughout the day. It is also considered that there are no road safety issues at the Benarty Road junction with the B996. The road and verges are wide and straight, with excellent visibility and the surfacing at

the junction onto the B996 is of an acceptable standard. However, during the assessment of the previous application it was considered that additional provision for vehicles passing Benarty Road would be required to improve traffic movement and improve safety for all road users. The provision of visibility splays, particularly to the west along Benarty Road was also highlighted as an issue.

- 82 The applicant has now identified a section of the roadway that will be widened in order to allow vehicles to pass and the visibility splay at the proposed new access onto Benarty Road has now been identified. These proposed measures have been reviewed by the Transport Planning Team who are now satisfied with the proposed development subject to a condition regarding the standard of the new junction onto Benarty Road (Condition 10)
- 83 As such, the proposal is considered to accord with Policy 60B of LDP2 and the requirements of the National Roads Development Guide.

Sustainability/Travel Patterns

- 84 Policy 8 criteria (b) states that a development should not encourage unsustainable travel patterns. Equestrian based uses are by their very nature, located in countryside locations and generally can be an unsustainable form of development in terms of governmental policy as they are totally reliant on the car and are likely to be required in rural locations that are some distance from other communities and their attendant services. However, to enforce this policy rigidly would deny a use altogether that public policy has endorsed as having a continuing role to play in the development of recreational uses, and therefore lack of sustainability is not often a determining issue. The nearer a site is to a settlement and facilities the shorter car journeys are likely to be which is better in terms of overcoming any objections on sustainability grounds.
- 85 In this instance, the site is within close proximity to Kelty, with very good transport links both north to Kinross and south to Dunfermline. The proximity of the site to nearby settlements will reduce the distance travelled by car to the site to a certain degree. The proposal is therefore considered to be appropriate in terms of sustainability in travel.

Flooding and Drainage

- 86 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no identified issues or concerns in respect to flooding at the site. The maps do however indicate that there is an area on the south eastern edge of the site, to the north of the linear group of houses on Benarty Road which is prone to surface water flooding. This pocket of surface water flooding appears to be largely outwith the site but concerns have been expressed by local residents that the development may exacerbate the issue.
- 87 In this regard, the Council's Flood Team have previously been consulted and they did not raise in any concerns in respect to flooding but a condition requiring adequate surface water drainage is recommended (Condition 14). It is also important to note that the development does not propose to undertake any groundworks in close proximity to the area of surface water flooding and subject

to the provision of adequate surface water drainage measures, the development should not increase the risk.

- 88 In respect to wastewater drainage, the applicant is proposing to install a private septic tank and soakaway arrangement within the site. Given that the proposal is in a rural area that is not served by a public wastewater network, it is considered that the proposed private wastewater drainage measures are acceptable and in accordance with Policy 53B of LDP2.

Ground Stability

- 89 The site falls within an area of former underground workings for the purpose of mining coal and is regarded as high risk. The Coal Authority has also designated the area as a “Substantive Concern (Public Safety)”. Environmental Health has also advised that this site has, as recently as the 1990’s, been worked as an open mine. Whilst the site has reinstated, the quality of the reinstatement works, and conditions of the ground remains unknown.
- 90 In response to the concerns noted by both the Coal Authority and Environmental Health, the applicant has undertaken a Mineral Stability Risk Assessment. This report outlines that it is highly likely that the coal seams / mine entries will have been removed and that if the mine entries have not been removed in their entirety, it is likely that these are in excess of 15m below the existing site levels and / or have been treated as part of the reinstatement works. It also recommends that any permanent development at this site is likely to require specialist foundations (reinforced rafts) rather than ground stabilisation works and the mine entries should either include the placement of a geogrid within the recorded areas, which would remove the potential for collapse at the surface, or alternatively these specific areas could be permanently and securely fenced to prevent egress of livestock and site visitors.
- 91 However, the report also concludes that in order to confirm what, if any residual mineral stability risk remains and thereafter what investigations or remedial and mitigation measures are considered necessary, a further assessment is required.
- 92 The report has been reviewed by the Coal Authority and they are satisfied with its conclusions and recommendations. However, they have recommended that the requirement for further intrusive site investigations and the subsequent completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity be covered by condition (Condition 2).

Contaminated Land

- 93 As outline above, the site falls within an area of former underground workings for the purpose of mining coal and the ground conditions are unknown. It is possible that the ground could contain contaminants either from the former mine workings or the ground sourced to reinstate the site during the 1990’s. As such, Environmental Health has recommended that further ground contamination assessments must be undertaken prior to the commencement of development in

order to ensure that the ground conditions are acceptable. This has been conditioned accordingly (Condition 3).

Natural Heritage and Biodiversity

- 94 Policy 41 'Biodiversity' of LDP2 seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated.
- 95 It is noted that concerns have been expressed regarding the impact on the development on local wildlife and protected species. The site in question is a large open arable field that does not have any protected status and does not exhibit any notable features that would suggest that there are protect species or habitats within the site. The Council's GIS database does not also identify any specific protected wildlife within the development site. It is therefore considered that an Ecological Survey is not necessary in this instance.
- 96 In any case, in discussion with the Council's Biodiversity Officer, it is considered that whilst there will inherently be a range of wildlife that will frequent the site, the proposed development will largely retain the open nature of the site and will not have any significant impact on foraging or movement wildlife within the area.
- 97 As such, the proposed development will not result in any significant impact on natural heritage or biodiversity and therefore complies with Policy 41 of LDP2.

Agricultural land

- 98 The majority of the site is identified as Class 4.2 non-prime agricultural land which is capable of producing a narrow range of grass. A smaller area of the site to the west is identified as Class 4.1 non-prime capable of producing a narrow range of grass, fodder and cereal.
- 99 Policy 50 and 51 of LDP2 seeks to ensure that developments on good quality soils are restricted to avoid the loss of these quality soils for crop production. As the soil on site is non-prime land it is considered that the proposals will not have substantial agricultural value in terms of soil classification. Furthermore, the built footprint of the development is relatively small, and the site could easily revert back to farmland at any point in the future.
- 100 It is therefore considered that the proposed site would not impact significantly on the use of land for crop production and therefore complies with policy 50 and 51 of LDP2.

Cultural Heritage

- 101 The proposed site is located to the east of Blairfordel Farm which is identified as a Category C Listed group of buildings. Whilst this group of building is located nearby, the only element of the proposals that will come into close proximity with this building group is the tracked livery. The remaining buildings and built development will be positioned over 250 metres northeast and as such, will have no significant impact on the character or setting of the listed group at Blairfordel Farm.

- 102 As such the proposals comply with the requirements of Policy 27A 'Listed Buildings' which seeks to protect the character and setting of listed buildings.

Developer Contributions

- 103 The proposed site is located out with any area where financial contributions towards roads infrastructure and it would not be reasonable to require an education contribution for the temporary accommodation. As such, the Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance. However, it should be highlighted that any future proposals for a permanent house will be subject to assessment against the Developer Contributions and Affordable Housing Supplementary Guidance 2020, with particular regard to education infrastructure.

Embedding Low & Zero Carbon Generating Technologies

- 104 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.
- 105 Given the nature of the barn and office/tack room, it is considered that this policy is not applicable to those elements of the proposals. Furthermore, given the residential accommodation is only a temporary measure, there is also no need to require compliance with Policy 32. However, the policy will be applicable to any future application for a permanent dwelling within the site.

Economic Impact

- 106 The objective of Scottish Government Economic Strategy (2015) is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 107 It is considered that it is undoubtable that there will be some economic benefit associated with the operation of the site, but the economic benefit has to be seen in the context of the spatial strategy and general policies of the Local Development Plan.
- 108 When looking at Economic Development Policy 8 'Rural Business and Diversification' the submitted supporting information statement is considered sufficient to demonstrate that the proposal is an appropriate rural business development in accordance with Policy 8 of LDP2 as is referenced elsewhere in this report.

Neighbour Notification

- 109 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

VARIATION OF APPLICATION UNDER SECTION 32A

- 110 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 111 Not applicable.

DIRECTION BY SCOTTISH MINISTERS

- 112 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

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

RECOMMENDATION

Conditions and Reasons for Recommendation

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

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the occupation of the development, or it being brought into operational use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for written approval. This document shall confirm the methods and findings of any intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - In the interests of safety and to ensure that all required remedial works and/or mitigation to address any coal mining legacy are undertaken.

3. Development shall not begin until a scheme to deal with contamination and general condition of the site post minerals abstraction at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - 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

Before any use is made of the application area the measures to ensure the sites suitability for the proposed use for which planning was granted shall be fully implemented as approved by the Planning Authority.

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

4. The Noise & Waste Management Plan (NWMP) (plan ref 25 hereby approved) shall be strictly adhered to during the operation of the site. The NWMP shall be a fluid document which shall be updated regularly to reflect any changes to the operation of the site and to address any substantiated complaints by residents. The details contained within the approved NWMP shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

7. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage

beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

8. The mobile home accommodation is approved for a temporary period only until 31st March 2025. Upon expiry of this temporary period the mobile home shall be removed from the site and the site returned to its original condition all to the satisfaction of the Council as Planning Authority.

Reason - In view of the temporary nature of the accommodation and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

9. Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority.

Reason - In order to ensure adequate servicing facilities are provided.

10. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail.

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

11. Prior to the development hereby approved being completed or brought into use, the proposed localised road widening identified on plan ref 03 hereby approved shall be undertaken to satisfaction of the Council as Planning Authority. For the avoidance of doubt the surface of localised road widening shall be bituminous bound to match that of the existing road surface.

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

12. Prior to the commencement of any works on site, all trees on site (other than those either identified for removal on the plans or to be removed to form the access and road widening on Benarty Road) 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.

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

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

14. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

6. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

7. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

9. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
10. 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.
11. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

For the avoidance of doubt, the waste storage provision should be enclosed and provide the following bins:

- 1 x 1100L general waste containers
- 1 x 1100L Dry mixed recycling containers.

If the applicant has different types of waste or expects different quantities than mentioned above information on services available can be obtained from www.pkc.gov.uk/commercial.

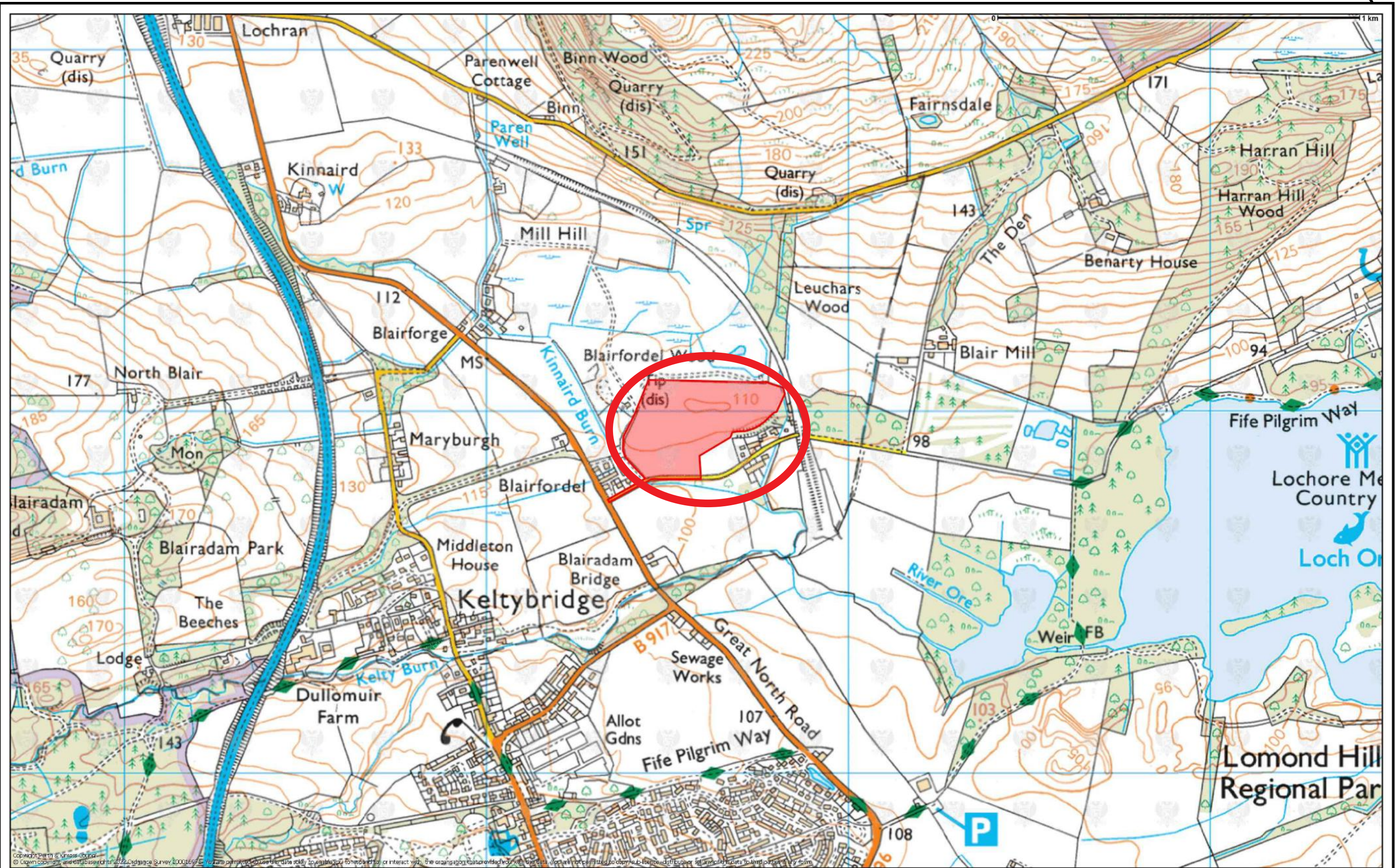
Background Papers: 23 letters of representation
Contact Officer: David Niven
Date: 3 March 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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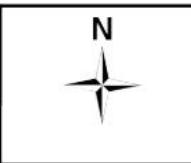
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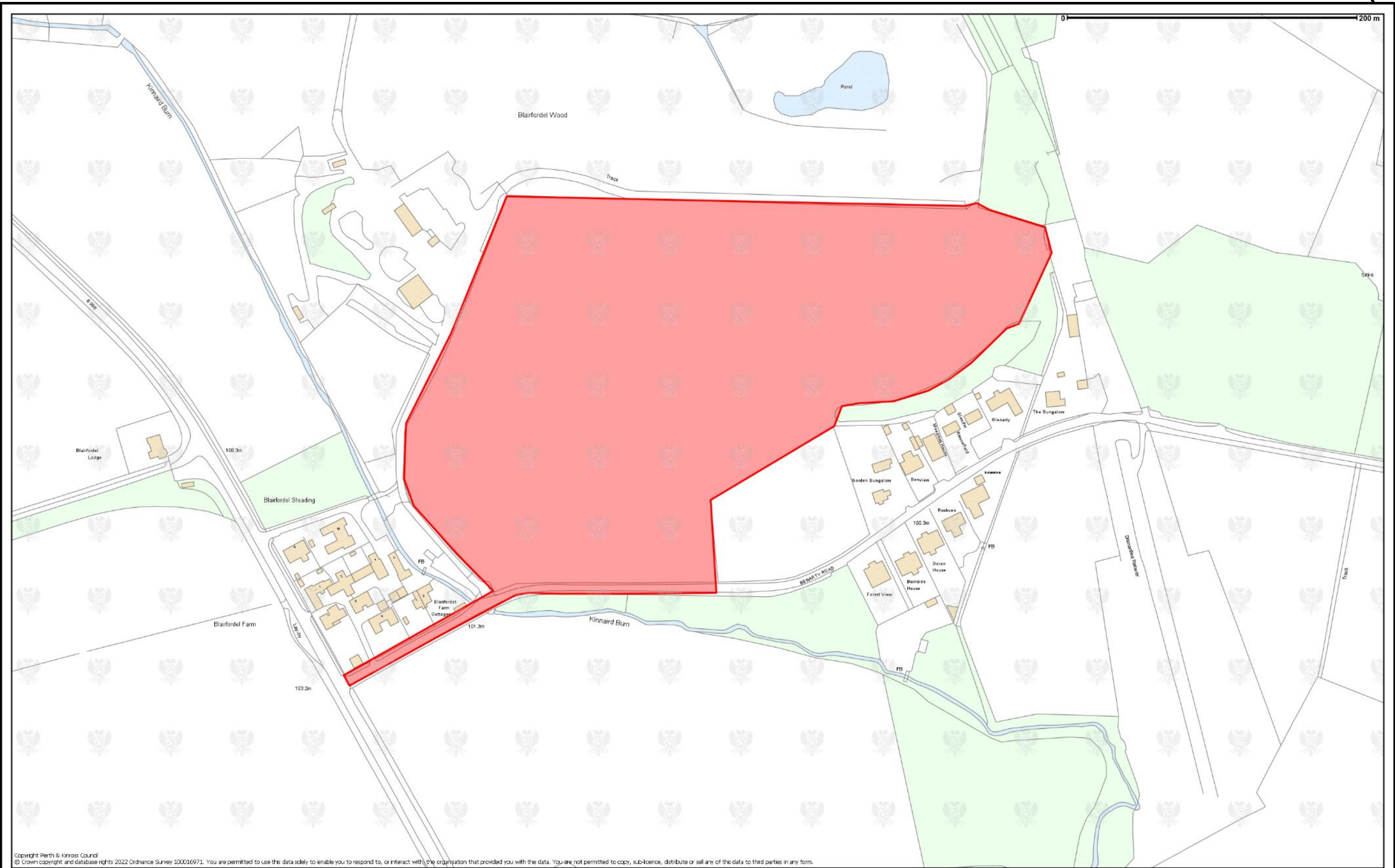
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21/02058/FLL

Change of use from agricultural land to equestrian business and dog exercise area comprising of outdoor riding arena, tracked livery, shelters, tack rooms, office/toilet block, access track, car parking, fencing/foodlighting, siting of a mobile home (temporary residential accommodation) and associated works Land 120 Metres North East Of No 2 Blairfordel Farm Cottage Benarty Road Kelty





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Scale 1:2500



21/02058/FLL
 Change of use from agricultural land to equestrian business and dog exercise area comprising of outdoor riding arena, tracked livery, shelters, tack rooms, office/toilet block, access track, car parking, fencing/floodlighting, siting of a mobile home (temporary residential accommodation) and associated works Land 120 Metres North East Of No 2 Blairfordel Farm Cottage Benarty Road Kelty



Perth and Kinross Council
Planning & Development Management Committee –16 March 2022
Pre-Application Report by Head of Planning and Development (Report No. 22/51)

Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works, Shindour, Feddal Hill Wood, Braco.

Ref. No: [21/00020/PAN](#)

Ward No: P7- Strathallan

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the installation of up to 50 battery storage units housed within containers along with ancillary structures including transformers and switchgear on land to the east of the Braco West Substation, Shindour, Feddal Hill Wood, Braco. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant has submitted a Proposal of Application Notice (PoAN) on the 11th of January 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Whirlwind Energy Storage Limited, pertaining to the installation of up to 50 battery storage units, housed within containers along with associated infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish the major development comprising a new battery energy storage compound to house up to 50 battery storage units in containers, along with ancillary structures such as transformers and switchgear. The compound will be surrounded with planting and an acoustic fence. The proposed energy storage facility will provide rapid-response electrical back-up to the Electricity Grid and will represent an early deployment within Scotland of a high-tech grid balancing facility.
- 3 The proposed development is to be located approximately 250 metres to the north of a previously approved energy storage facility, comprising 50 battery storage container units, control building, ancillary equipment, parking, access track, boundary treatments, landscaping and associated works authorised by Planning Permission 21/00756/FLM.

- 4 This PoAN seeks to formally establish a major development. The exact scale and design of the development will be arrived at during ongoing discussions with the applicant.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 6 The PoAN confirmed that two public online events were to be held via Zoom on the 27th of January 2022 between 4 and 7pm and on the 17th February 2022 between 4 and 7 pm. The Ward Councillors, local MSPs, Local MP, Braco and Greenloaning Community Council, Forest and Land Scotland, as well as all owners and occupiers within 500metres of the site boundary have all been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 8 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Delivering Heat and Electricity: Paragraphs 152 -174
 - Valuing the Natural Environment: paragraphs 193 – 218

- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

10 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

11 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

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

- Policy 1 - Location Priorities
- Policy 2 - Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

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

14 The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

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

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 37: Management of Inert and Construction Waste
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

16 The following supplementary guidance and documents may be of particular importance in the assessment of this application:

- Placemaking Supplementary Guidance March 2020
- Developer Contributions Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
- Perth and Kinross Green and Blue Infrastructure (2020)
- Renewables and Low Carbon Energy (draft)
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 17 05/01911/FUL Construction of 275/33kv electricity substation, associated building and temporary storage areas, site huts, upgrading/widening works to existing private access road and improvements to junction where access road meets the B8033. Approved April 2006.
- 18 13/01036/FLL Formation of a temporary works compound and topsoil storage area. Approved July 2013.
- 19 14/01758/FLL Retention of temporary access track constructed as part of Beauldy-Denny overhead power line. Approved December 2014.

- 20 15/00470/FLL Erection of substation control building, formation of access road and associated works. Approved June 2015.
- 21 16/01719/PN Formation of a forestry track. Approved November 2016.
- 22 17/01810/FLL Formation of an energy storage facility, vehicular access and associated works. Approved November 2017
- 23 20/00013/PAN Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping and associated works, accepted 5th February 2021.
- 24 21/00756/FLM Formation of a 49.9MW energy storage facility comprising 50 battery storage container units, control building, ancillary equipment, parking, access track, boundary treatments, landscaping and associated works. Approved December 2021.

CONSULTATIONS

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

External

26

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Scottish Forestry
- Braco and Greenloaning Community Council

Internal

27

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

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 28 The key considerations against which the eventual application will be assessed include:
- a. Principle
 - b. Need
 - c. Visual impact
 - d. Scale, design and layout

- e. Relationship to nearby land uses
- f. Natural heritage and ecology
- g. Landscape
- h. Water resources and soils
- i. Noise
- j. Transport implications
- k. Impact on woodland
- l. Cumulative impact

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

29 The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Sustainability Assessment
- Noise and Light Assessment
- Grid Connection Site Survey
- Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

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

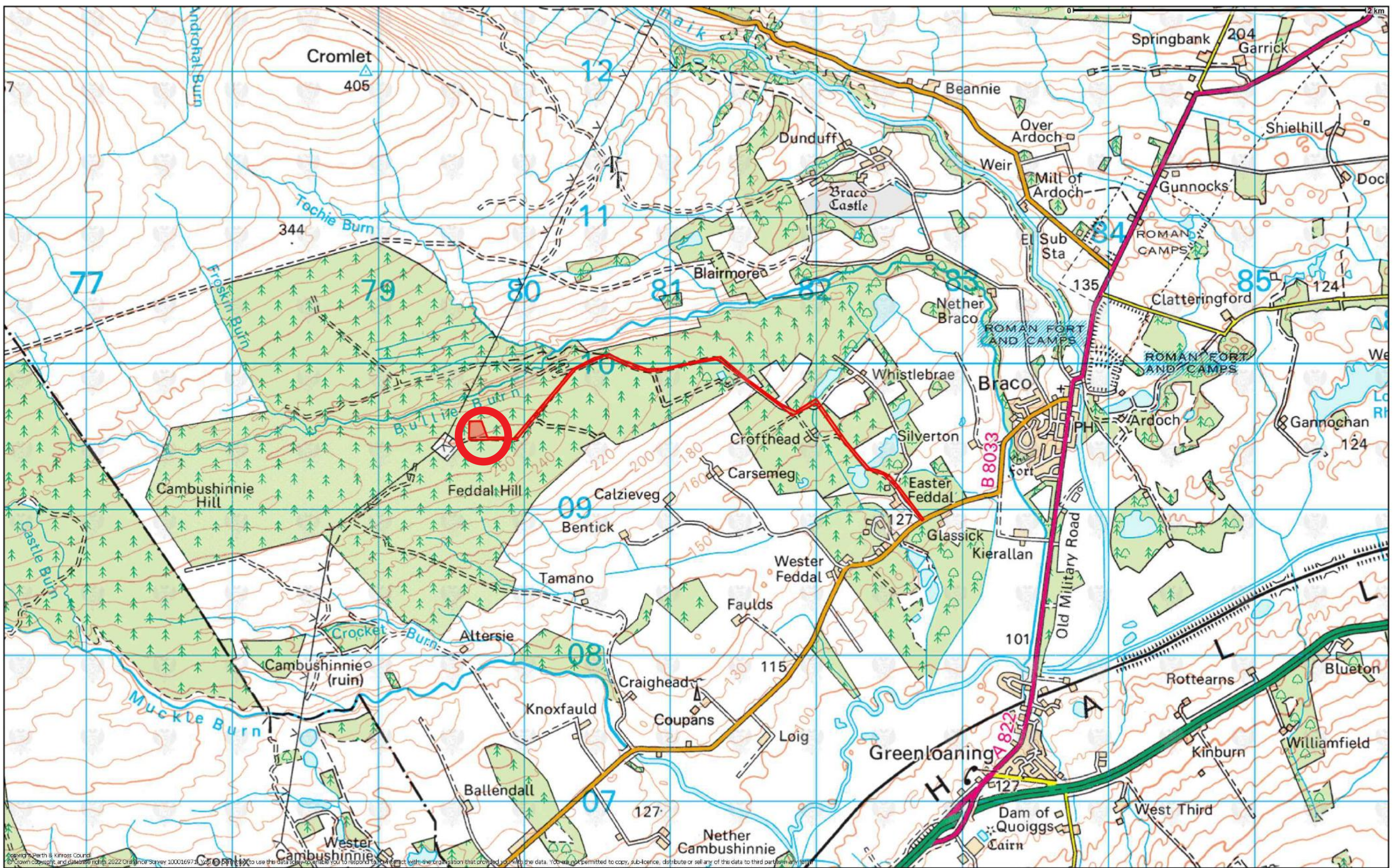
Background Papers: None
 Contact Officer: Jamie Torrance
 Date: 3rd March 2022

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

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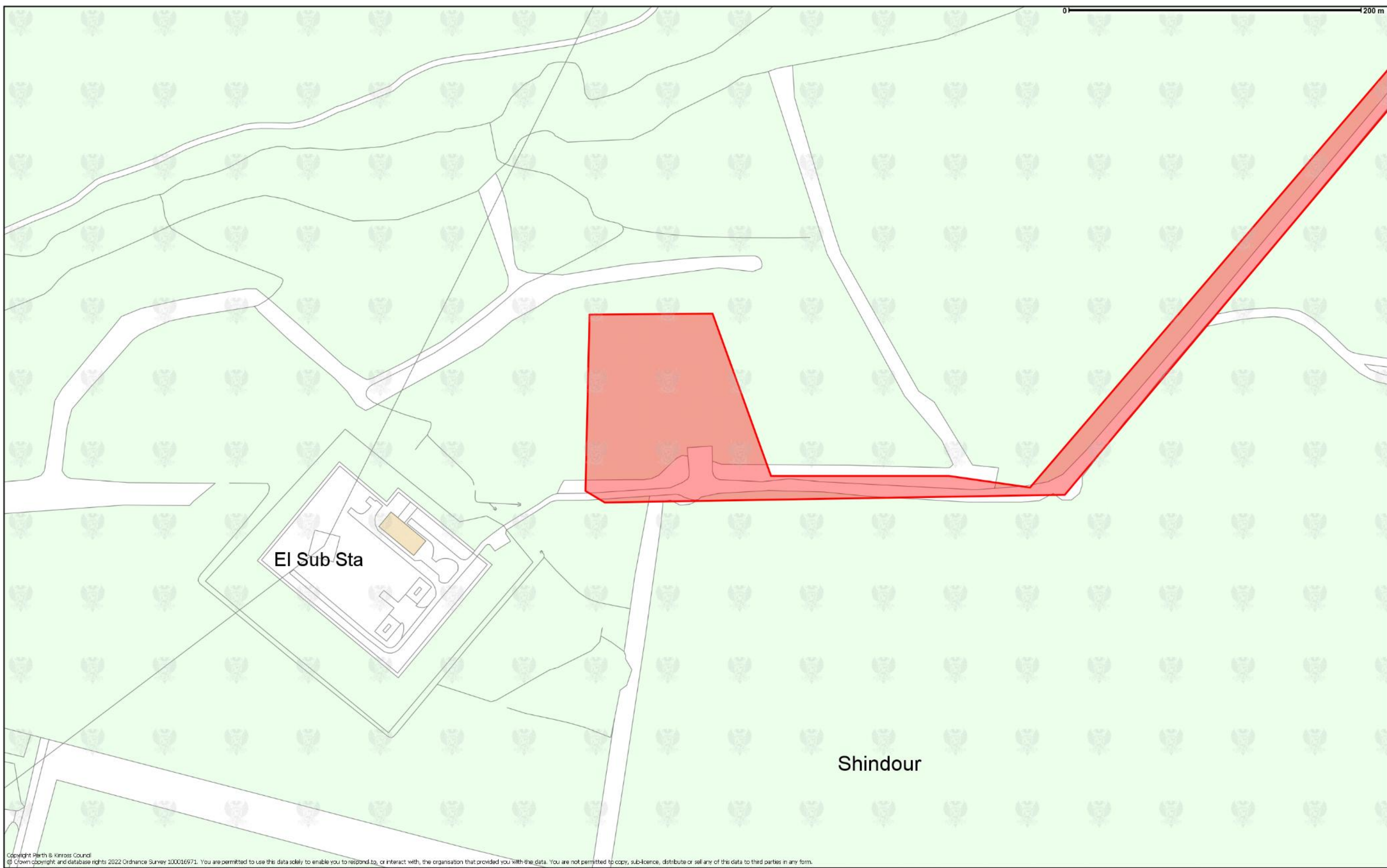
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Scale 1:25000



21/00020/PAN
 Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works Shindour Feddal Hill Wood Braco

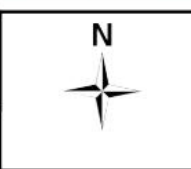




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Scale 1:2500



21/00020/PAN
 Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works Shindour Feddal Hill Wood Braco



Perth and Kinross Council
Planning & Development Management Committee –16 March 2022
Pre-Application Report by Head of Planning and Development (Report No. 22/52)

Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works, land north of Abernethy Cemetery, Newburgh Road, Abernethy

Ref. No: [22/00002/PAN](#)

Ward No: P9- Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the installation of up to 50 battery storage units housed within steel containers along with ancillary structures including a substation compound containing transformers and an electrical control building, on land north of Abernethy Cemetery, Newburgh Road, Abernethy. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant has submitted a Proposal of Application Notice (PoAN) on the 12th of January 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for P&M Energy Limited, pertaining to the installation of up to 50 battery storage units, housed within containers along with associated infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish the major development comprising a new battery energy storage compound to house up to 50 battery storage units in containers, along with ancillary structure, including a substation compound containing transformers and an electrical control building. The proposed energy storage facility will provide rapid-response electrical back-up to the Electricity Grid and will represent an early deployment within Scotland of a high-tech grid balancing facility.
- 3 This PoAN seeks to formally establish a major development. The exact scale and design of the development will be arrived at during ongoing discussions with the applicant.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

5. The PoAN confirmed that three public online events were to be held via Zoom on the 16th of December between 2 and 7pm, on the 1st February 2022 between 4 and 7 pm and a third online event will be held near the end of February with an exact date to be confirmed. The Ward Councillors, local MSPs, Local MP, Abernethy Community Council, as well as all owners and occupiers within 500 metres of the site boundary have all been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 7 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Valuing the Historic Environment: paragraphs 135 – 151
- Delivering Heat and Electricity: Paragraphs 152 -174
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

10 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

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

- Policy 1 - Location Priorities
- Policy 2 - Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

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

13 The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

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

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 37: Management of Inert and Construction Waste
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 15 The following supplementary guidance and documents may be of particular importance in the assessment of this application:
- Placemaking Supplementary Guidance March 2020
 - Developer Contributions Supplementary Guidance April 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
 - Perth and Kinross Green and Blue Infrastructure (2020)
 - Renewables and Low Carbon Energy (draft)
 - Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 16 **17/00951/FLL** - Installation of an energy storage facility, formation of vehicular access, erection of fence and associated works. Approved September 2017
- 17 **18/02336/FLL** - Installation of an energy storage facility, erection of fence and associated works. Approved March 2019.
- 18 **20/00501/SCRN** - Installation of a 132kv extension, replacement of 60 mega volt amps transformers and erection of a control building. May 2020.
- 19 **22/00004/PAN** - Formation of a battery energy storage facility comprising battery storage units, ancillary buildings, storage containers, landscaping, erection of fencing and associated works. January 2022.

- 20 **20/00005/PAN** - Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works. July 2020.
- 21 **21/01575/FLL** - S42 application to delete condition 1 (compliance) of permission 17/00951/FLL. Application Returned February 2022.
- 22 **21/01576/FLL** - S42 application to delete condition 1 (compliance) of permission 18/02336/FLL. Application Returned February 2022.
- 23 **20/01770/FLM** - Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated work. Approved May 2021.

CONSULTATIONS

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

External

25

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Scottish Forestry
- Abernethy Community Council

Internal

26

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

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 27 The key considerations against which the eventual application will be assessed include:
- a. Principle
 - b. Need
 - c. Visual impact
 - d. Scale, design and layout
 - e. Relationship to nearby land uses
 - f. Natural heritage and ecology
 - g. Landscape

- h. Water resources and soils
- i. Noise
- j. Transport implications
- k. Impact on woodland
- l. Cumulative impact

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

28 The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Sustainability Assessment
- Noise and Light Assessment
- Grid Connection Site Survey
- Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

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

Background Papers: None
Contact Officer: Jamie Torrance
Date: 3rd March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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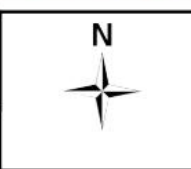
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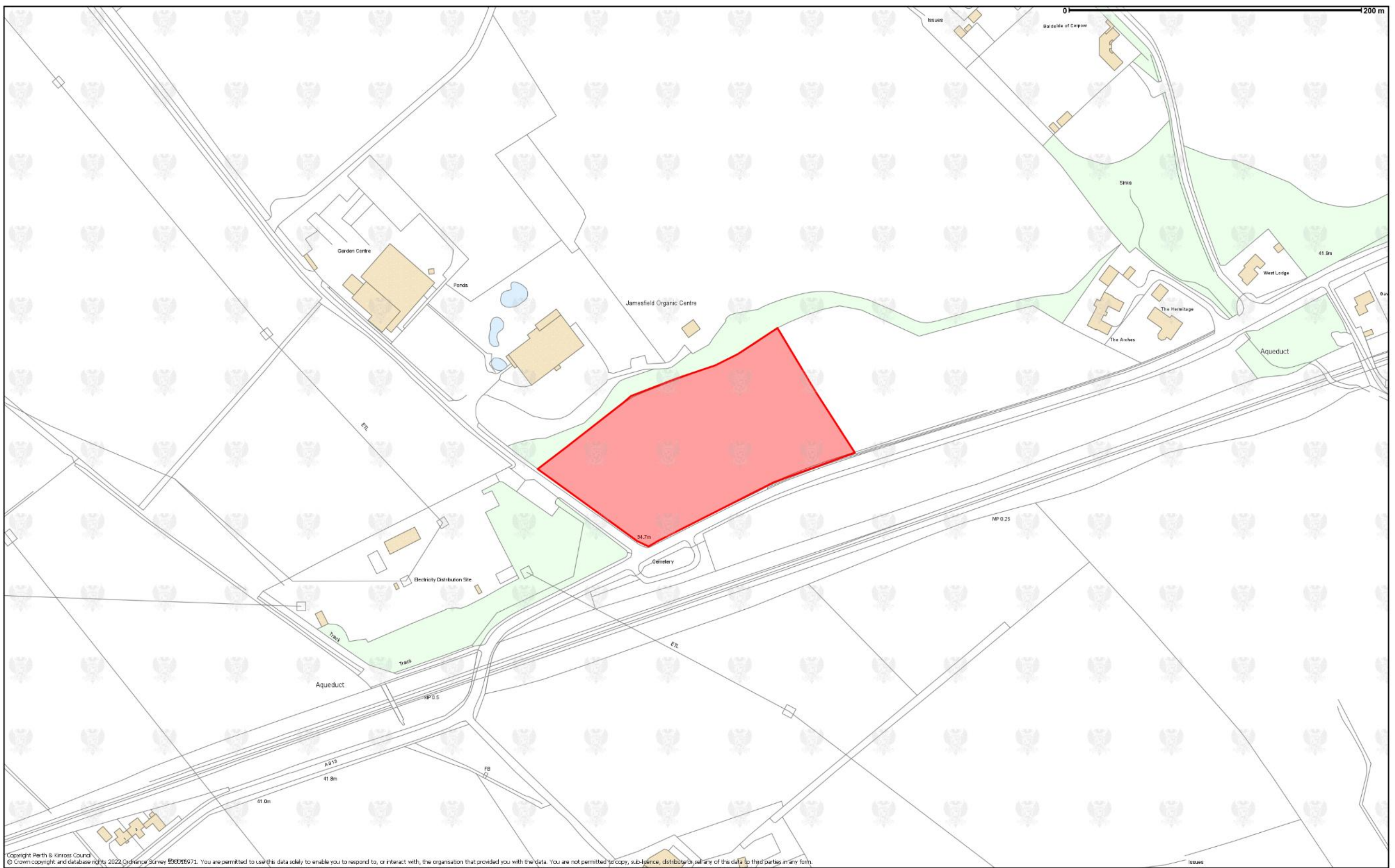
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Scale 1:25000



22/0002/PAN
 Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works Land 60 Metres North Of Abernethy Cemetery Newburgh Road Abernethy





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Scale 1:2500



22/00002/PAN
 Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works Land 60 Metres North Of Abernethy Cemetery Newburgh Road Abernethy



Perth and Kinross Council
Planning & Development Management Committee –16 March 2022
Pre-Application Report by Head of Planning and Development (Report No. 22/53)

Formation of a battery energy storage compound comprising battery storage units, ancillary buildings storage containers, landscaping, erection of fencing and associated works, land NE of Jamesfield Organic Centre, Newburgh

Ref. No: [22/00004/PAN](#)

Ward No: P9- Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for the installation of up to 26 battery storage units housed within steel contains along with ancillary structures including transformers, switch gear rooms and general storage containers, on land NE of Jamesfield Organic Centre, Newburgh. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant has submitted a Proposal of Application Notice (PoAN) on the 3rd of February 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Harmony JF Limited, pertaining to the installation of up to 26 battery storage units (with a storage capacity of approximately 49.9 MW), housed within containers along with associated infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish the major development comprising a new battery energy storage compound to house up to 26 battery storage units in containers, along with ancillary structures, including transformers, switchgear and general storage containers. Landscaping is to be undertaken.
- 3 This PoAN seeks to formally establish a major development. The exact scale and design of the development will be arrived at during ongoing discussions with the applicant.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the

EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

5. The PoAN confirmed that two public online events were to be held via Zoom on the 10th of February 2022 between 6 and 7pm and on the 10th March 2022 between 6 and 7 pm. The Ward Councillors and Abernethy Community Council, as well as those landowners /occupiers within the immediate vicinity of the site have all been notified. Subsequent notifications have also been provided to the Local MP and MSP. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 7 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 8 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Valuing the Historic Environment: paragraphs 135 – 151
- Delivering Heat and Electricity: Paragraphs 152 -174
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

- 9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise

- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

- 10 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1 - Location Priorities
 - Policy 2 - Shaping better quality places
 - Policy 3 – A First Choice for Investment
 - Policy 7 – Energy, Waste and Resources
 - Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

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

- 13 The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

- 14 Under the LDP2, the following policies are of particular importance in the assessment of this application:

Policy 1: Placemaking
 Policy 2: Design Statements
 Policy 6: Settlement Boundaries
 Policy 8: Rural Business and Diversification
 Policy 15: Public Access

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
Policy 35: Electricity Transmission Infrastructure
Policy 37: Management of Inert and Construction Waste
Policy 39: Landscape
Policy 40: Forestry, Woodland and Trees
Policy 41: Biodiversity
Policy 42: Green Infrastructure
Policy 52: New Development and Flooding
Policy 53: Water Environment and Drainage
Policy 55: Nuisance from Artificial Light and Light Pollution
Policy 56: Noise Pollution
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 15 The following supplementary guidance and documents may be of particular importance in the assessment of this application:
- Placemaking Supplementary Guidance March 2020
 - Developer Contributions Supplementary Guidance April 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
 - Perth and Kinross Green and Blue Infrastructure (2020)
 - Renewables and Low Carbon Energy (draft)
 - Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

On adjoining land

- 16 05/01911/FUL Construction of 275/33kv electricity substation, associated building and temporary storage areas, site huts, upgrading/widening works to existing private access road and improvements to junction where access road meets the B8033. Approved April 2006.
- 17 13/01036/FLL Formation of a temporary works compound and topsoil storage area. Approved July 2013.
- 18 14/01758/FLL Retention of temporary access track constructed as part of Beaully-Denny overhead power line. Approved December 2014.
- 19 15/00470/FLL Erection of substation control building, formation of access road and associated works. Approved June 2015.
- 20 16/01719/PN Formation of a forestry track. Approved November 2016.
- 21 17/01810/FLL Formation of an energy storage facility, vehicular access and associated works. Approved November 2017

At the Application Site

- 22 17/00951/FLL Installation of an energy storage facility, formation of vehicular access, erection of fence and associated works. Approved 18th September 2017.
- 23 18/02336/FLL Installation of an energy storage facility, erection of fence and associated works. Approved 7th March 2019.
- 24 21/01575/FLL S42 application to delete condition 1 (compliance) of permission 17/00951/FLL. Approved 4th February 2022.
- 25 21/01576/FLL S42 application to delete condition 1 (compliance) of permission 18/02336/FLL. Approved 4th February 2022.

CONSULTATIONS

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

External

27

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Scottish Forestry
- Abernethy Community Council

Internal

28

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

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 29 The key considerations against which the eventual application will be assessed include:
- a. Principle
 - b. Need
 - c. Visual impact
 - d. Scale, design and layout
 - e. Relationship to nearby land uses
 - f. Natural heritage and ecology

- g. Landscape
- h. Water resources and soils
- i. Noise
- j. Transport implications
- k. Impact on woodland
- l. Cumulative impact

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

30 The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Sustainability Assessment
- Noise and Light Assessment
- Grid Connection Site Survey
- Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

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

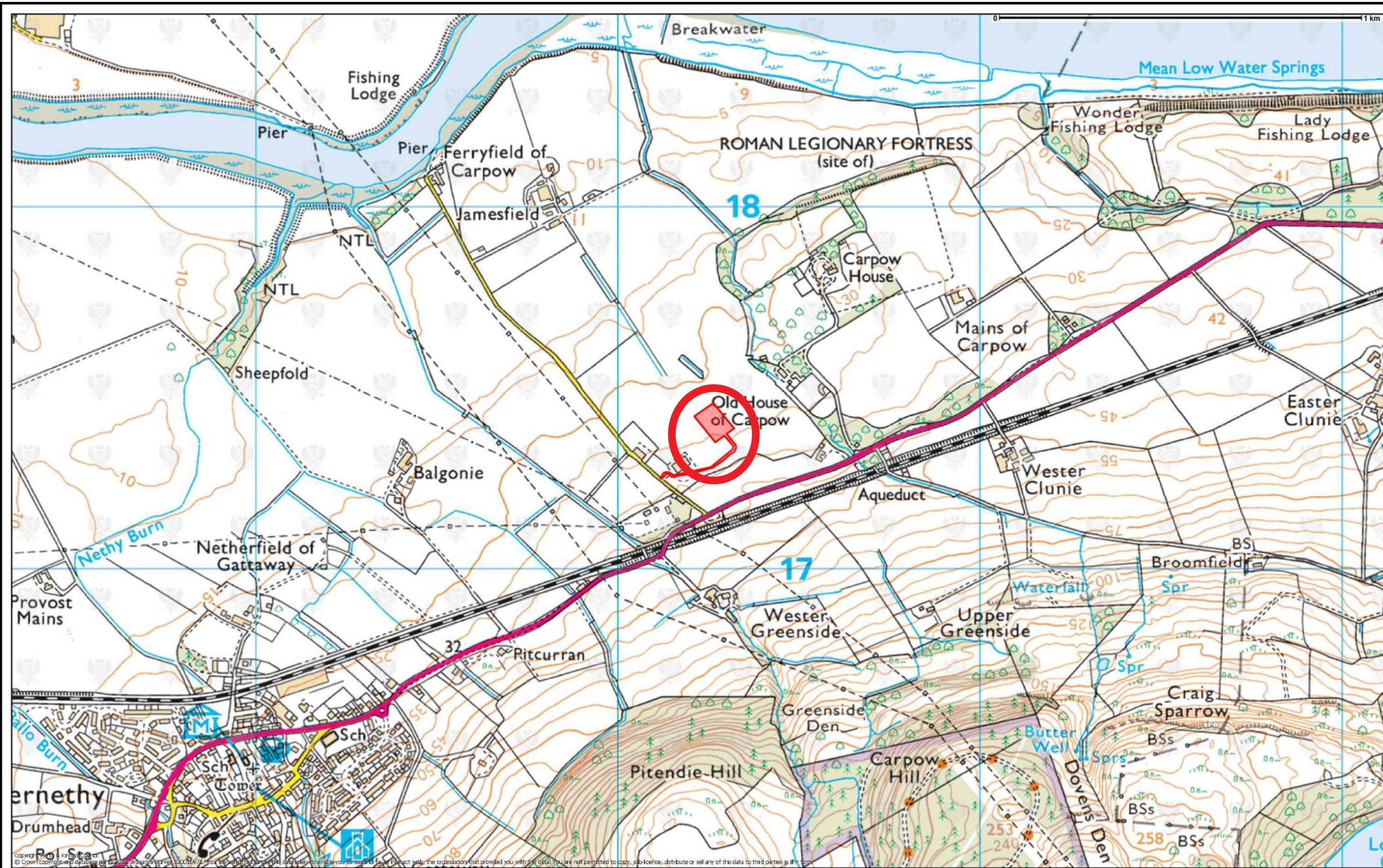
Background Papers: None
 Contact Officer: Jamie Torrance
 Date: 3rd March 2022

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

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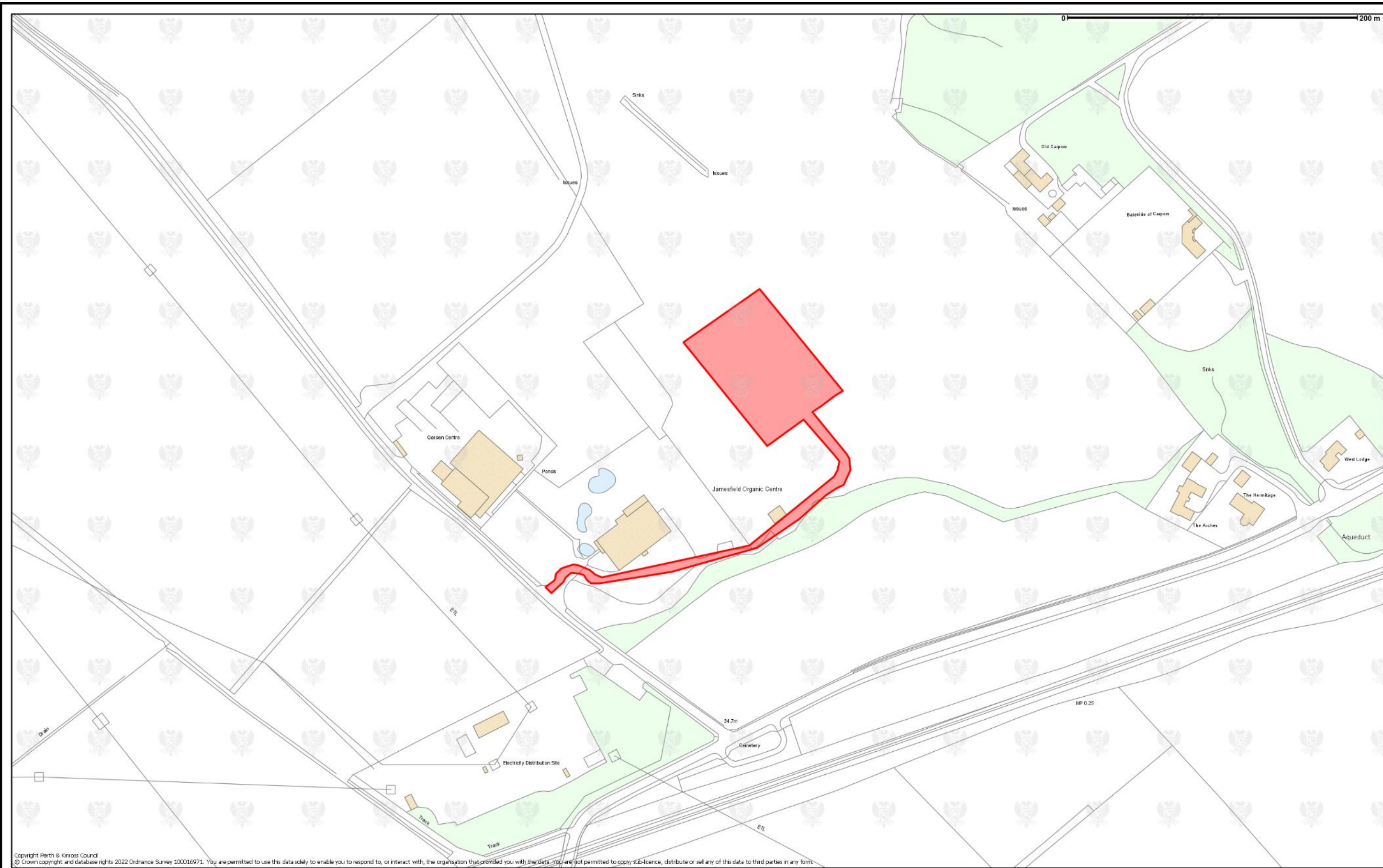
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Scale 1:10000



22/00004/PAN
 Formation of a battery energy storage facility comprising battery storage units, ancillary buildings, storage containers, landscaping, erection of fencing and associated works Land 140 Metres North East Of Jamesfield Organic Centre Newburgh





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