

# PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 11 October 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailie C McLaren (Up to Item 5(1)(ii)), Councillors K Allan, B Brawn, D Cuthbert, A Forbes (Substituting for I James), K Harvey, D Illingworth, B Leishman, T McEwan (Substituting for Bailie M Williamson), I MacPherson (Substituting for R Watters) and C Reid.

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

Apologies: Bailie M Williamson, Councillors I James and R Watters.

Councillor I Massie, Convener, Presiding.

## 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

## 2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct, Councillor D Illingworth declared a non-financial interest in Item 5(1)(i).

## 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 6 September 2023, be approved.

## 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
22/00817/FLM	5(1)(i)
22/01501/FLM	5(1)(ii)
23/01262/IPL	5(2)(ii)

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR D ILLINGWORTH LEFT THE MEETING AT THIS POINT.

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Applications

- (i) **22/00817/FLM – Erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping, land 150**

## **metres south west of Kintillo Cemetery (H14), Bridge of Earn, Perth**

Mr J Bruce, Chair of Earn Community Council and Dr G Lindsay, both objectors to the application, addressed the Committee and answered Members' questions. Mr R Laird, Planning and Strategic Land Manager, Scotia Homes, addressed the Committee and answered Members' questions.

### **Resolved:**

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

#### **General**

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.  
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
3. No development shall commence until a detailed phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Council as Planning Authority. The phasing strategy shall include the following details:
  - (i) The timing and number of dwellings to be developed in each phase;
  - (ii) The timing and delivery of infrastructure, open space and landscaping;
  - (iii) The timing and location of any temporary construction compound;
  - (iv) The timing and delivery of the affordable housing units.

Once approved, the development shall proceed in accordance with the approved delivery phasing strategy to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the satisfactory implementation and completion of the development.

#### **Drainage and Flooding**

4. The drainage outfall as agreed as part of planning permission 22/02020/FLL or any other agreed in writing scheme by the Council, shall be implemented as part of the SUDs basin delivery to the satisfaction of the Council as Planning Authority.

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

5. Prior to the commencement and completion of works, the watercourse to the northeast of the site, which the SUDs basin outfalls into, shall be cleared of vegetation and debris to the satisfaction of the Council as Planning Authority.

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

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

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

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the 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.

Reason – To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

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

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

#### **Residential Amenity**

9. Prior to the commencement of the development a Dust Management Plan shall be submitted to and agreed in writing by the Council as the Planning Authority and Environmental Health. The plan shall include measures for the control of dust, monitoring, and complaints procedures, at the construction stages of the development.

- Reason – In the interests of residential amenity.
10. 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 the interests of residential amenity.

### **Roads and Transport**

11. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason – In the interests of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.

12. Prior to commencement of works on site, the width of Wicks O’Baiglie Road shall be widened to a minimum width of 6 metres from south of 52 Wicks O’Baiglie Road to a distance of 6 metres south of the vehicle access bellmouth into the development, where the width of the road will taper back to the original width over a distance of at least 25 metres. The road widening shall be constructed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.

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

13. Prior to commencement of works, a street lighting design must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council’s Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason – In the interests of road safety.

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

- a. restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b. timing of construction traffic to minimise impact on local communities particularly at school start and

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

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

Reason – In the interest of proper site management.

15. Prior to the occupation of the tenth dwellinghouse, the developer shall install a bus shelter at Old Edinburgh Road (NaPTAN ID 73729586) with a 3 bay bus shelter supplied and installed with passenger information board, LED spotlights (one per bay), a 28in Ultra-Wide Display Screen for Real Time Passenger Information installed on the approach side of the shelter and a 24/7 electrical power supply to a Haldo pillar adjacent to the shelter to provide power for the LED lighting and Real Time Passenger Information display. The design and specification shall be to the satisfaction of the Council as Planning Authority, in consultation with Perth & Kinross Council's Public Transport Unit. In the event that it is not possible to install at this location, an alternative shall be agreed in writing with the planning authority.

- Reason – In the interest of sustainable travel.
16. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transport Planning. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.  
Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.
17. Prior to the commencement of the development hereby approved, full visibility splays for the vehicle access onto Wicks O' Baiglie Road of 120 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres from the edge of the carriageway, measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.  
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
18. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.  
Reason – In the interests of pedestrian and cycle safety.
19. The occupation of the tenth dwellinghouse hereby approved shall not occur until the proposed footpath connection surrounding the SUDS at the northern side of the site and linking to both Dunbarney Avenue and Wicks O' Baiglie Road, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.  
Reason - In the interest of sustainable transport.
20. The occupation of the fifty-fifth dwellinghouse hereby approved shall not occur until the proposed footpath connection at the southern side of the site, linking this site to both Wicks O' Baiglie Road and The Meadows and the footpath connection to the west of the site linking to The

Meadows, opposite Ptak Way, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.

Reason – In the interest of sustainable transport.

21. The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety, residential amenity.

### **Biodiversity**

22. Prior to the commencement of development a Construction Environmental Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) shall be submitted for the approval of the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

23. The conclusions and recommended action points within the supporting Ecological Survey and Biodiversity Action Plan submitted and hereby approved (document number 90 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

25. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, wildlife kerbs shall be installed adjacent to all road gullies within 500metres of a SUDS pond or watercourse. Thereafter, the kerbs shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

26. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs. Thereafter, the hedgehog highways shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

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

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

#### **Trees and Landscape**

28. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. 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.

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

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

30. The areas of public open space indicated in the approved landscape and planting drawings shall be planted in



accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted and agreed in writing by the Planning Authority, prior to the commencement of development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

31. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority.

Reason – In the interests of the character and appearance of the development.

32. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to, and agreed in writing by, the Council as Planning Authority. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented and adhered to.

Reason – To ensure satisfactory management of the scheme.

### **Sustainability**

33. 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 for each building:

- 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 and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

**Waste**

34. Prior to the commencement of development a site specific plan detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason – In the interest of the sustainable disposal of waste.

**Contamination**

35. 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.

**Archaeology**

36. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological

resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

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

### **Materials**

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

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

### **Justification**

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant Policy 6 of the LDP2.

### **Procedural Notes**

Permission shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section

123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. 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.
4. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
8. Prior to the commencement of works a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the C416 Wicks

O'Baiglie Road between the A912 and the M90 overbridge, a distance of approximately 1 km, whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth & Kinross Council.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. 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 revise layout, materials and garages.
12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
15. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

16. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.
17. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
18. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
19. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
20. 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.

THERE FOLLOWED A 5 MINUTE RECESS AND THE MEETING RECONVENED AT 11:15AM.

COUNCILLOR D ILLINGWORTH RETURNED TO THE MEETING AT THIS POINT.

COUNCILLOR K HARVEY JOINED THE MEETING AT THIS POINT.

- (ii) **22/01501/FLM – Erection of 90 dwellinghouses, 2 residential blocks comprising 10 flats, associated infrastructure, access, SUDS and landscaping (in part allocated site H69), land 150 metres south of Station House, Forfar Road, Meigle**

Mr B Starck of Meigle and Ardler Community Council, Ms M Kaufmann, Mr E West and Mr P Menzies, all objectors to the application, addressed the Committee and answered Members' questions. Mr B Robb, Senior Partner, Oliver and

Robb Architects LLP, on behalf of the agent, addressed the Committee and answered Members' questions.

**Motion (Councillors B Brawn and D Cuthbert)**

Refuse, as the proposal is contrary to Policies 1A, 1B(c) and 17 of Perth and Kinross Local Development Plan 2 (2019) and Policy 14 of National Planning Framework 4, due to the significant historical heritage within the village of Meigle, the design of the proposed dwellings and the number of proposed dwellings.

**Amendment (Baillie C McLaren and Councillor T McEwan)**

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

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, a 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 – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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.
5. 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.
6. Prior to the occupation of any dwellinghouse approved as part of this permission, a Real Time Passenger Information Display Screen will be supplied and installed at the bus stop at Meigle Post Office, or another location as agreed with the Public Transport Unit.  
Reason – To encourage the use of sustainable transport to and from the development site.
7. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.  
Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.
8. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
  - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;



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

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

Reason – In the interests of road safety.

9. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design

(PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

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

10. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Plan for the site shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented to the satisfaction of the Council as Planning Authority.

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

#### **Justification**

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

#### **Procedural Notes**

Permission shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

#### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. 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
9. No work shall be commenced until an application for building warrant has been submitted and approved.
  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 the layout and connections through the site.
  11. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

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

5 Members voted for the Motion as follows:

Councillors K Allan, B Brawn, D Cuthbert, A Forbes and C Reid.

8 Members voted for the Amendment as follows:

Councillors K Harvey, D Illingworth, B Leishman, I Massie, Bailie C McLaren, Councillors T McEwan, I MacPherson and G Stewart.

**Resolved:**

In accordance with the Amendment.

THERE FOLLOWED A 45 MINUTE RECESS AND THE MEETING RECONVENED AT 2:30PM.

BAILIE C MCLAREN SUBMITTED APOLOGIES FOR THE REMAINDER OF THE MEETING.

- (iii) **22/02231/FLM – Formation of a 49.99MW battery energy storage compound comprising battery storage units, ancillary buildings and equipment, bogland restoration, landscaping and associated works, Shindour, Feddal Hill Wood, Braco**

**Resolved:**

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

**General**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. The battery energy storage units and ancillary infrastructure shall be removed from the site no later than 50 years after the date when the operation is first brought into use unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of first operation shall be provided to the Planning Authority within one month of that date.

Reason – In order to limit the permission to the expected operational lifetime of the battery storage units and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.

#### **Roads and Access**

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

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

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

Reason – To minimise interference with the safety and free flow of the traffic on the access road off the B8033 road.

5. Prior to the commencement of development, a comprehensive Construction Traffic Management Plan shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland  
Reason – To minimise interference with the safety and free flow of the traffic on the trunk road.

#### **Health and Safety**

6. Not less than two months from the date of this planning permission, a detailed scheme for the management of vehicles crossing of the National Grid pipeline at Easting 282178; Northing 709479 and any necessary reinforcement works of that road and or crossing shall be submitted to, and approved in writing by, the Planning Authority in consultation with National Grid. The scheme shall include the frequency of vehicle movements during both the construction and operational phases of development, specify vehicle weights and set out the technical specification of the reinforcement works to the road or crossing point and their delivery. Thereafter, the scheme shall be implemented in complete accordance with the approved scheme and all reinforcement works complete prior to the commencement of development hereby approved.

Reason – In order to ensure that suitable vehicle crossing arrangements are provided.

### **Amenity**

7. 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.

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

### **Landscape**

9. Prior to the commencement of the development hereby approved, a detailed boundary landscaping and planting scheme 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 by the site operator.

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

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

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

### **Ecology**

11. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted

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

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

12. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:
  - (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) and habitat restoration approved by this permission.
  - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
  - (c) Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
  - (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.



- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

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

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

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

Reason – In order to prevent animals from being trapped within any open excavations.

14. A minimum of two months prior to the commencement of development, a Detailed Peat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

Reason – In the interests of protection of existing peatland.

15. A minimum of two months prior to the commencement of development, an updated Habitat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

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

16. The conclusions and recommended action points within the supporting Ecological Appraisal (October 2022) (drawing number 14) and Habitat Survey (October 2022) (drawing number 15) 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 protecting environmental quality and of biodiversity.

17. Prior to the commencement of the development hereby approved, final details of the proposed boundary fencing for the site shall be submitted for the written agreement of the Council as Planning Authority. For the avoidance of doubt the fencing will be required to be deer proofed. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

18. Prior to the commencement of development, the developer shall provide full written details of a scheme for mitigating any potential effects on reptiles on the site during the construction and operation of the energy storage project. This shall include:

- The deployment and searching of artificial reptile refugia to allow the capture and relocation to a suitable and safe area of reptiles within the site. Such measures to be undertaken during the reptile active period of May to October (inclusive).
- After an agreed period with no reptile captures, the site shall be cleared outward to an agreed methodology from the site centre to allow any remaining/undetected reptiles to disperse into adjacent habitats.
- The site shall then be maintained with no vegetation cover until construction works commence.
- Habitat clearance works shall be undertaken during the reptile's active phase i.e., April - October (inclusive).
- Details of proposals for the creation of reptile hibernacula within the site.

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

#### **Drainage**

19. 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 appropriate and effective drainage for the site.

### **Finishes**

20. 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.

### **Project Lifespan and Site Aftercare**

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

Reason – To ensure the facility is removed from the site at the end of its operational life, to ensure no adverse impact on the visual amenity of the area and a satisfactory standard of local environmental quality.

### **Restoration**

22. The restoration of the site shall be completed in full within 12 months of its decommissioning and shall be undertaken in full accordance with the submitted restoration scheme to be approved under conditions 23 and 24 of this permission and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual and residential amenity.

23. Within 6 months of the date of this decision notice, a detailed decommissioning and restoration scheme for the application site shall be submitted to and approved in writing by the Planning Authority. The scheme shall set out the means for restoring the site to blanket bog following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated

through the grant of a new planning permission for a similar form of development) the restoration of the site shall be implemented in accordance with the approved details and in accordance with the timescales outlined in condition 22 of this permission and in any case before the expiry of the time period set by condition 3 of this planning permission.

Reason – In the interests of visual and residential amenity.

24. Prior to the commencement of the final restoration and re-instatement of the application site as required by conditions 22 and 23 of this permission a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason – To ensure that final contours and an updated restoration plan and aftercare plan are submitted prior to the site ceasing operation thereby ensuring appropriate restoration in the interests of visual amenity and to minimise impacts on the landscape.

25. The approved bond or financial instrument shall be maintained throughout the duration of the operation of the development hereby approved. At five-yearly intervals (as a minimum) from the commencement of the development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

Reason – To ensure that at all times there are sufficient funds available to ensure that the removal of all development and site restoration can occur.

### **Justification**

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

### **Procedural Notes**

Permission shall not be issued until a Section 75 legal agreement has been signed and registered to take account of the bond associated with this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the relevant

policies and may ultimately be recommended for refusal under delegated powers.

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. 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.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. An application for Building Warrant may be required.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an

offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. The applicant should take note of the information and advice contained within the consultation response from Natural Gas.

## **(2) Local Applications**

- (i) 23/01044/FLL – Change of use of storage shed to form a shop, siting of a workshop unit for furniture recycling/restoration, formation of parking area and associated works, land north east of Causeway Cottage, Scotlandwell, Kinross**

### **Resolved:**

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

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.

3. Reason – In order to safeguard the neighbouring residential amenity in the area.  
The hours of operations shall be restricted to 0700 hours to 1900 hours daily.  
Reason – In order to safeguard the neighbouring residential amenity in the area.
4. The retail floor space shall be restricted to the sale of furniture and associated home furnishing/décor goods in the area as annotated as retail on plan ref 07.  
Reason – In order to control and limit the retail element of the proposal.

### **Justification**

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

### **Informatives**

1. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
2. An application for Building Warrant may be required.

**(ii) 23/01262/IPL – Erection of a dwellinghouse (in principle), land 75 metres north west of Mullmac, Saucher, Kinrossie, Perth**

Mr S Geddes, objector to the application, addressed the Committee via telephone and answered Members' questions.

### **Motion (Councillors B Brawn and C Reid)**

Refuse, as the proposal is contrary to Policy 50 of Perth and Kinross Local Development Plan 2 (2019) due to the proposed use of prime agricultural land.

### **Amendment (Councillors T McEwan and I Massie)**

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

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development which should accord with

the indicative layout as indicated on approved drawing 09, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, road layout, vehicle parking and turning facilities, levels, drainage including the disposal of surface water and waste management provision.

Reason – This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2. This planning permission in principle will last only for five years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason – This is a Planning Permission in Principle in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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

4. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

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

5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

### **Justification**

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



### **Informatives**

1. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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.

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

3 Members voted for the Motion as follows:  
Councillors K Allan, B Brawn and C Reid.

8 Members voted for the Amendment as follows:  
Councillors D Cuthbert, K Harvey, D Illingworth, B Leishman, I Massie, T McEwan, I MacPherson and G Stewart.

In terms of Standing Order 24.1, Councillor A Forbes advised he lost internet connection and therefore was not present during consideration of the whole item, and subsequently unable to participate in the decision.

### **Resolved:**

In accordance with the Amendment.

## **6. PROPOSAL OF APPLICATION NOTICES (PAN)**

- (i) **23/00011/PAN – Formation of 49.9MW battery energy storage facility, formation of access and associated works, land 400 metres south east of Endrigg, Jamesfield, Newburgh, Cupar**

Councillor Cuthbert requested due consideration be given to the cumulative impact of similar sites nearby and the associated fire risk.

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

- (ii) **23/00012/PAN – Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, a DNO substation, battery storage facility, security fencing, CCTV cameras, cabling, access tracks and associated works, Kinnon Park Farm, Methven, Perth**

Councillor Illingworth requested due consideration be given to employment impacts, particularly with regard to arable land in comparison to a solar farm, loss of prime agricultural land and food producing land, visual impacts, use of chemicals for cleaning, the core path network, impact on local housing and impacts on flooding.

Councillor Cuthbert requested due consideration be given to elevation of solar panels to allow land beneath to be utilised and minimise loss of arable land.

Councillor McEwan requested due consideration be given to glare from solar panels onto the nearby roads.

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

DRAFT