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Council Building
2 High Street
Perth
PH1 5PH

02/10/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 11 October 2023** at **09:30**.

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 Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Keith Allan
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Ken Harvey
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 11 October 2023

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 PLACEMAKING COMMITTEE OF 6 SEPTEMBER 2023 FOR APPROVAL 7 - 30
(revised copy herewith)
- 4 DEPUTATIONS
- 5 APPLICATIONS FOR DETERMINATION
- 5(1) MAJOR APPLICATIONS
- 5(1)(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 31 - 68
Report of Handling by Head of Planning and Development (copy herewith 23/269)
- 5(1)(ii) 22/01501/FLM - ERECTION OF 90 DWELLINGHOUSES, 2 RESIDENTIAL BLOCKS CONSISTING 10 FLATS, ASSOCIATED INFRASTRUCTURE, ACCESS, SUDS AND LANDSCAPING (IN PART ALLOCATED SITE H69), LAND 150 METRES SOUTH OF STATION HOUSE, FORFAR ROAD, MEIGLE 69 - 90
Report of Handling by Head of Planning and Development (copy herewith 23/270)

5(1)(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 Report of Handling by Head of Planning and Development (copy herewith 23/271)	91 - 120
5(2) LOCAL APPLICATIONS		
5(2)(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 Report of Handling by Head of Planning and Development (copy herewith 23/272)	121 - 134
5(2)(ii)	23/01262/IPL - ERECTION OF A DWELLINGHOUSE (IN PRINCIPLE), LAND 75 METRES NORTH WEST OF MULLMAC, SAUCHER, KINROSSIE, PERTH Report of Handling by Head of Planning and Development (copy herewith 23/273)	135 - 152
6 PROPOSAL OF APPLICATION NOTICES (PAN)		
6(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 Pre-Application Report by Head of Planning and Development (copy herewith 23/274)	153 - 162
6(ii)	23/00012/PAN - FORMATION OF 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 Pre-Application Report by Head of Planning and Development (copy herewith 23/275)	163 - 172

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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 6 September 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailie C McLaren and Councillors H Anderson, B Brawn, K Harvey, D Illingworth, I James, B Leishman, I MacPherson (Substituting for Bailie M Williamson), C Reid and R Watters.

In Attendance: A Deans, S Panton, L Reid, K Smith and P Williamson (all Communities); C Elliott, J Guild, R Ramsay and M Pasternak (all Corporate and Democratic Services).

Apologies: Bailie M Williamson and Councillor D Cuthbert.

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

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

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 9 August 2023, be approved.

4. DEPUTATIONS

Convener advised of no deputations in relation to the items of business on the agenda, however, the applicant for Item 5(2)(i) was available to answer Members' questions.

In terms of Standing Order 19.9, Councillor Liz Barrett requested to address the Committee in relation to Item 5(1)(i) as it affects her ward area. Convener gave his consent to this request.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **20/00667/IPM – Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial,**

professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle), Perth West (MU70), Old Gallows Road, Perth – Report No. 23/239 – The John Dewar Lamberkin Trust

Councillor L Barrett addressed the Committee and answered Member's questions.

Resolved:

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

General AMSC

1. The Permission hereby approved shall be limited to:
 - (a) residential development of a maximum of 1,500 dwellings;
 - (b) commercial development of 26 hectares comprising: business (class 4); general industry (class 5); storage and distribution (class 6); shops (class 1); financial; professional and other services (class 2); food and drink (class 3); hotels (class 7); and non-residential institutions (class 10); and
 - (c) Infrastructure development comprising: bus depot; car parking; Perth Innovation Highway; hydrogen fuelling/charging centre; formation of road junction; underpass and road network; road alterations; footways; cycleways; greenspace; landscaping; and associated works.

No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:

- (i) a detailed updated phasing and delivery plan (incorporating commercial, residential, transport infrastructure, drainage infrastructure and open space) which shall specify that commercial uses are delivered in the first zones within Phase 1 and for the delivery of Phases 1-3 to accord with the Transport Assessment (Ref: 20/00667/15);
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished

- ground and floor levels of all buildings forming part of each development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height, and external materials of all buildings or structures;
 - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided.
 - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
 - (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) noise impact assessment
 - (x) lighting details;
 - (xi) bin storage, collection location, recycling facilities provision and access;
 - (xii) biodiversity action plan
 - (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
 - (xiv) archaeological working scheme of investigation;
 - (xv) updated Transport Assessment;
 - (xvi) updated Flood Risk Assessment
 - (xvii) updated Drainage Impact Assessment including SUDs Design Principles
 - (xviii) updated Battlefield Conservation Plan.
 - (xix) updated landscape and visual impact assessment.

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

2. The submitted Masterplan (Ref: 20/00667/15) and Development Parameters Plan and Schedule of Uses and Floorspace (Ref: 20/00667/5) are purely indicative only and are not approved.

Reason: The application is for planning permission in principle only at this stage.

Roads

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.
4. The development of the application site shall be reviewed by 2035 or when there have been 1,001 housing units or 20 hectares of employment land developed, whichever comes first, to reassess the impact on the road network and the amount of modal shift. The applicant shall refer to LDP2 Main Issue Report or page 52/189 of the *Perth West: Transport Assessment Ref: GB01T20A18.2PROJ.10964013 (SYSTRA, 22/05/20)* for details of the "Pause and Review". No development shall take place until the review has been undertaken, submitted, and agreed in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
5. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed multi-storey car park shall be submitted for the approval of the Council as Planning Authority.
For the avoidance of doubt the multi-storey car park must occur before the implementation of any parking restrictions on Lamberkine Drive or Tweed Place and continue to be available for the vehicles displaced as result of the restrictions. The number of parking spaces to be made available for displaced vehicles shall be agreed with the Council as Planning Authority before the first AMSC application.
Reason: In the interests of road safety.
6. As part of any Approval of Matters Specified by Condition (AMSC) application, all external lighting and streetlighting details submitted under Conditions 1 (iv) and/or (x) shall be designed to 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 minimising light pollution, protecting amenity and road safety.
7. As part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed design for the signalisation identified for the A93/Lamberkine Drive shall be provided and including the upgrade of the zebra crossing on Lamberkine Drive to a controlled crossing, to

reduce the impact of queueing from the development. A detailed design shall be undertaken, along with a date for their implementation by the developer, and shall be agreed in writing by the Council as Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved scheme.

Reason: In the interests of road safety.

8. As part of the first Approval of Matters Specified by Condition (AMSC) application, a scheme for mitigation measures for the core path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands, where it crosses Lamberkine Drive, shall be submitted to and approved in writing by the Council as Planning Authority. This scheme shall include a detailed design that facilitates the safe crossing of pedestrians and cyclists and must also specify a date for its implementation by the developer. The scheme as approved shall be implemented prior to the occupation of the 100th dwellinghouse.

Reason: In the interests of road safety.

9. As part of any application for the Approval of Matters Specified by Condition (AMSC), the phasing of the project as part of any approval under Condition 1(i) of this permission, will be such that the upgraded A9(T) Tibbermore grade-separated junction shall be operational by the completion of the 1,001st housing unit on the site.

Reason: In the interests of road safety.

10. No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

11. Prior to the commencement of any works on site, a scheme for the delivery of the proposed Broxden Underpass shall be submitted to and approved in writing by the Planning Authority, in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

12. Prior to the commencement of any works on site, a scheme for the delivery of a signal controlled A93 / Lamberkine Drive junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.
13. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore grade-separated junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.
14. Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore Link Road shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.
15. Prior to the commencement of any works on site, a scheme for the delivery of the proposed temporary emergency access from the A9 at East Lamberkine Farm shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales. The temporary access shall be closed once the A9 Tibbermore grade-separated junction becomes operational.
Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.
16. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.
Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

17. 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 (CTMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense 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 CTMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interests of road safety.

18. All vehicles transporting construction material to and from the proposed development shall be sheeted.
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
19. Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.
Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
20. Prior to the occupation of any part of the phased development, a comprehensive Residential Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of PAN 75 Planning for Transport.
21. Prior to the occupation of any part of the phased development, a comprehensive Commercial Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of PAN 75 Planning for Transport.
22. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. A strategy shall be included in the GTP for monitoring, reporting, and updating the plan as necessary. The GTP will have particular regard to provision for:
- (a) walking and cycling;
 - (b) public transport access to and within the site;
 - (c) provision of electric vehicle (EV) charging points within all residential, commercial and community use development parcels;

- (d) identify measures to be provided (including the provision of new and/or enhanced public transport services);
- (e) any phasing, the system of management, monitoring, review, reporting and the duration of the Plan.

The GTP as agreed shall be fully implemented by the applicant.

Reason: In the interests of sustainable transport.

23. Prior to the commencement of any phased development, a Development Phasing Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that establishes what level of development mitigation interventions will be required.

Reason: To minimise any interference with the safety and free flow of traffic on the trunk road network.

24. Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that considers the various public transport improvements cited in the Transport Assessment.

Reason: To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.

25. A barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

26. Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

27. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

28. The proposed development shall be limited to the scale assessed within the Transport Assessment (Ref: 20/00667/15).
Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

Residential Amenity

29. 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 the Scottish Government).
Reason: To ensure a satisfactory standard of local environmental quality.
30. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted for the written agreement of the Council as Planning Authority in consultation with NatureScot, Scottish Environment Protection Agency (SEPA) and Environmental Health. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. The CEMP shall include noise & vibration and dust assessments; to assess the impacts from construction operations. The CEMP shall also include procedures, limit values and mitigation measures to control noise and vibration and a detailed quantitative dust assessment shall be undertaken. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.
Reason: In the interest of proper site management and to protect the amenity of the area.
31. 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:

- Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
- 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.
- Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- 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.
- 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.
- 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.
- 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, re-instatement and de-commissioning of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.
Reason: In the interest of proper site management and to protect the amenity of the area.

32. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Air Quality Assessment (AQA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

33. As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Noise Impact Assessment (NIA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be

undertaken in full to the satisfaction of the Council as Planning Authority.

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

34. As part of any Approval of Matters Specified by Condition (AMSC) application, 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:
- (a) the nature, extent, and type(s) of contamination on the site
 - (b) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - (c) measures to deal with contamination during construction works
 - (d) 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.

Cultural Heritage

35. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 a detailed report setting out protection of key heritage assets and their settings shall be submitted to and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter the agreed actions will be undertaken in full, to the satisfaction of the Council as Planning Authority.

Reason: the protection of key heritage assets.

36. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to

the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust

Reason: To safeguard archaeology in the area.

37. As part of any Approval of Matters Specified by Condition (AMSC) application, a scheme detailing the provision and timing of protective fencing shall be submitted to the Council for approval as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Once approved, the fencing shall be erected around the historic battlefield area in a manner as approved and retained in accordance with the approved scheme. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.
Reason: To ensure the preservation of the historic environment.

38. As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 an Updated Battlefield Conservation Plan (BCP) shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure the preservation and enhancement of the historic environment.

Landscape

39. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for each phase shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

40. 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, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

41. As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

42. As part of any Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

43. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

44. The asserted right of way/core paths METH/121, METH/13, METH/131 and CTYS/112 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.
Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.
45. As part of any Approval of Matters Specified by Condition (AMSC) application, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.
Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

Biodiversity

46. As part of any Approval of Matters Specified by Condition (AMSC) application, a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Biodiversity Action Plan shall be implemented in accordance with the approved plan.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
47. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, protected species and deer shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.
48. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

49. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

50. As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

Flood Risk and Drainage

51. As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

52. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and 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 provide effective drainage for the site.

53. 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 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.

54. As part of any Approval of Matters Specified by Condition (AMSC) application, following consultation with SEPA and NatureScot a detailed Blue/Green Infrastructure Scheme, shall be submitted for approval of the Council as Planning Authority. 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 provide effective drainage for the site in line with Councils policies on good placemaking.

Heat and Energy

55. As part of any application for the Approval of Matters Specified by Condition (AMSC), an updated, detailed Energy Statement supporting a zero-carbon development shall be submitted for the written agreement of the Council as Planning Authority. The statement must include timescales for the provision of zero carbon developments within the site. The agreed energy measures and zero-carbon initiatives shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To reduce reliance on fossil fuels and to deliver a zero-carbon development at Perth West.

Waste

56. 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. None of the commercial or residential units shall be occupied until the agreed scheme has been provided in full.

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

General

57. The development to which this permission in principle relates shall be begun no later than the expiration of ten years beginning with the date of grant of this permission.

Reason: This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Justification

The proposal is considered to comply with National Planning Framework 4 and there are material considerations that result in departure from the approved Perth & Kinross Local Development Plan 2 (2019).

Planning Obligations and Legal Agreements

Following the recommendation of approval at the Planning & Development Management Committee on 1 June 2021, a Section 75 Legal Agreement has been in preparation, and is now nearing completion. The Section 75 will need to be completed and registered before the decision notice can be issued.

Informatives

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at 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.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to 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.
5. 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.
 6. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
 7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
 8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
 9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
 10. The granting of planning permission does not stop the continued right of public access along the existing core paths METH/121, METH/13, METH/131 and CTYS/112. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
 11. There is a Section 75 legal obligation associated with this planning permission, which relates to affordable housing provision (25%); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision, health care provision, maintenance and core path connections, and establishment of Project Design Team for any detailed applications. A copy is available to view on the Council's [Public Access portal](#).

Environmental Impact Assessment (EIA) Decision

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA Report dated May 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.
3. The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:
 - Air Quality
 - Noise Pollution
 - Ecology
 - Traffic and Transport
 - Flood Risk and Drainage
 - Tippermuir Historic Battlefield Site
 - Archaeology
 - Blue/Green Infrastructure
 - Landscape and Visual Impact
4. The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following:
 - Woodland Planting and Landscaping
 - Assessment of visual impact on wider area

- Construction and Environment Management Plan (CEMP)
 - Ecological Clerk of Works (ECoW)
 - Construction Traffic Management Scheme (CTMS)
 - Green Travel Plan
 - Blue/Green Infrastructure
 - Air Quality Assessment
 - Noise Impact Assessment
 - Habitat Assessment including Breeding Birds and Protected Species
 - Landscape and Visual Impact Assessment
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 6, 8, 9, 16, 17, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 51, 52, 54 and 55 as set out herein, the proposal is acceptable and can be approved.

(2) Local Application

- (i) **Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6), House of Bruar, Pitagowan, Blair Atholl, Pitlochry, PH18 5TW – Report No. 23/240 – House of Bruar**

Mr Patrick Birkbeck, applicant, attended the Committee and answered Members' questions.

Resolved:

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. 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 protect existing residential amenity.

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

Reason – In order to protect existing residential amenity.

5. 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 protect existing residential amenity.

6. Prior to the commencement of the development hereby approved, precise details of the means of surface water disposal shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure the site is adequately drained.

7. The footpath path leading from Pitagowan to the Falls of Bruar must not be obstructed during the construction phase, or on completion of the development.

Reason – In the interest of proper site management and to ensure existing public access continues.

8. The Construction Exclusion Zone (CEZ) as shown on approved Plan 11 shall be adhered to in full, and all fencing shall be BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ shall be strictly adhered to during the entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitability protected during the construction phase.

9. Prior to the commencement of the development hereby approved, 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 entire duration of the construction phase of the development.

- Reason – In order to ensure that existing trees are suitability protected during the construction phase.
10. Within 6 months of the completion of the development hereby approved, the replanting and landscaping scheme approved as Plan No 12, shall be implemented in full. Any planting failing within 5 years shall be replaced within the next available planting season.
 11. The conclusions and recommended action points within the supporting ecology survey submitted and hereby approved as Plan 10 shall be fully adhered to, respected and undertaken during the entire duration of the construction phase of the development, and that all mitigations measures are thereafter implemented.
Reason – In order to ensure that biodiversity interested are fully accommodated.
 12. Prior to the commencement of the development hereby approved precise details of the area for, the means of enclosures and the capacity for the provision of general waste, recycling and food waste shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented and be able for use prior to the extension being used.
Reason – In order to ensure that suitable facilities for waste and recycling are provided in a suitable location.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

DRAFT

Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/269)

PROPOSAL:	Erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping
LOCATION:	Land 150 Metres South West of Kintillo Cemetery (H14), Bridge of Earn, Perth

Ref. No: 22/00817/FLM
 Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application, subject to conditions. It proposes the erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping.

The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is allocated in the Perth and Kinross Local Development Plan (2019) (LDP2) as H14. The LDP2 allocations total area is 5.2ha with an indicative range of 67-104 residential units. The application site extends to 6.7ha and extends slightly outwith the settlement boundary to the south. Following an amended masterplan, however, there is no longer any built development beyond the settlement boundary. The site is currently an area of agricultural land. The field has a rising topography to the south which would likely increase visual/landscape impact of any development and therefore the extent of the site was limited through the allocation as previously justified through LDP1. Views are quite open from the surrounding area, particularly south and east, so any visual/landscape impact is a key consideration here.
- 2 During the LDP2 consultation process, the landowner sought to extend the site (including increase in capacity range) but the Council argued against this approach and the Reporter ultimately agreed to retain the same site shape/extent as shown in LDP1. The reasoning for retaining the allocation and the site boundary as was originally shown in LDP1 was due to the rise to the ridge line in the south which would make development beyond here more prominent in the landscape and to provide an organic landscape form to this highly visible settlement edge. At examination of LDP2 the Reporter

considered the topography of the site and considered it would be inappropriate to extend the developed over the ridgeline as this would result in an undue increase in the prominence of the development within the landscape setting for the village. Following discussion with the applicant, the proposal has been revised to readjust the layout at the southern part of the site, in particular plots 95-104 so that the dwellinghouses fall within the settlement boundary and the housing retained behind the ridge line.

- 3 The H14 site is located in the southeast corner of Bridge of Earn. It is bound to the north and west by existing housing at Dunbarney Avenue and The Meadows. The recently completed Ogilvie Homes housing development (LDP Site H72), known as Ptak Way and Todd Place, is further to the west. To the northeast of the site is Catalyst Events studio and workshop. To the south is open farmland and to the east lies the Old Edinburgh Road/Wicks o' Baiglie Road and a large Gospel Hall, car parking area and the adjacent Kintillo Cemetery. Further east is the M90 motorway.
- 4 The scale of development proposed here for this site is 110 dwellinghouses which is more than that indicated in the LDP2. Initially, a number of the dwellinghouses were proposed to be built to the south of the road marked "Secondary Lateral Street" (approximately plots 96-104) which fall outside the existing settlement boundary, however, this has since been revised as noted above.
- 5 The area within the settlement boundary to the south is shown in the LDP2 indicative drawing as landscaping to provide a soft edge to the settlement. This landscaping buffer is now brought further south beyond the settlement boundary.
- 6 There is an associated full planning application (22/02020/FLL) for the formation of SUDS drainage outfall and associated works. These proposed works are outwith the red line site boundaries for this current application, however, require planning permission. As such a subsequent application was requested and has since been approved.

Environmental Impact Assessment (EIA)

- 7 The proposed development, as an urban development project with a site area exceeding 0.5ha, falls under Schedule 2 (10(b)) of the Environmental Impact Assessment (Scotland) Regulations. The site was screened in November 2021 and was found not to require an EIA.

Pre-Application Consultation

- 8 The proposed development 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. Public concerns raised as part of this process identified traffic congestion, flooding and drainage, village infrastructure (School, Doctors Surgery, Dentist, Shops etc), biodiversity and wildlife, construction impacts (air and noise pollution) as

being matters raised following the consultation events. These matters have been responded to in writing by the applicant and included within a Pre-Application Consultation (PAC) Report submitted with the application.

- 9 The PAC Report notes that one online public event was held and one local exhibition, as permitted by the relevant regulations. The online event was in the form of a dedicated on-line virtual exhibition and consultation hub which was open from 24 November to 15 December 2021 and included a live interactive web-based chat session on 1 December 2021. The second event was a public exhibition held at the Bridge of Earn Institute on 31 March 2022 with notice provided to local MPs and MSPs and Council Members as well as to Earn Community Council. A number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

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

Planning Advice Notes

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for 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 77 Designing Safer Places
- PAN 79 Water and Drainage

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.

Designing Streets 2010

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

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 National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 16 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 17 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 18 In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.
- 19 The Council's assessment of this application has considered the following policies of NPF4:
- 20 The principal relevant policies are, in summary;
- Policy 1: Sustainable Places
 - Policy 2: Climate Mitigation and Adaption
 - Policy 3: Biodiversity
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes

- Policy 18: Infrastructure First
- Policy 19: Heating and Cooling
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2019

- 21 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.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 23: Delivery of Development Sites
 - Policy 24: Maintaining an Effective Housing Land Supply
 - Policy 25: Housing Mix
 - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 34: Sustainable Heating and Cooling
 - Policy 38: Environment and Conservation
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 47: River Tay Catchment Area
 - Policy 50: Prime Agricultural Land
 - Policy 52: Soils
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Pollution
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land

- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

LDP2 Allocation – Site References H14 Old Edinburgh Road/Dunbarney Avenue

23 The site covering an area of 5.2ha is allocated for an indicative capacity of 67-104 units. The Site-Specific Developer Requirements relative to H14 are:

- A landscape framework is required. Developments to be contained north of the ridgeline and a suitable boundary treatment to create village edge, entrance biodiversity and create new habitats.
- Connections and enhancement to be made to the existing core path network are required. In particular, vehicles and pedestrian links are required to Old Edinburgh Road and The Meadows.
- Phased site development to reflect the construction of the new school at Oudenarde.
- Drainage Impact Assessment will be required, including as assessment of any consequent impacts on adjacent properties at Dunbarney Avenue.

OTHER POLICIES

24 **Statutory Supplementary Guidance**

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

25 **Non Statutory Guidance**

- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

Site History

26 [21/00011/PAN](#) A Proposal of Application Notice (PoAN) for residential development, access, landscaping, suds and associated works (allocated site H14) was considered sufficient in June 2021.

- 27 [21/01941/SCRN](#) EIA Screening Opinion for residential development, access, landscaping, suds and associated works (allocated site H14). EIA not required November 2021.
- 28 [21/00014/PAN](#) A Proposal of Application Notice (PoAN) for residential development, access, landscaping, SUDS and associated works (part allocated as site H14) was considered sufficient in November 2021.
- 29 [22/02020/FLL](#) Full Planning Permission for the formation of SUDS drainage outfall and associated works (pending consideration).

CONSULTATIONS

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

External

- 31 **Perth And Kinross Heritage Trust:** No objection subject to condition.
- 32 **Transport Scotland:** No objections.
- 33 **Earn Community Council:** Concerns have been raised regarding primary education provision and subsequently contrary to LDP2, traffic management, flood risk/drainage. Concern was also expressed about the design and appearance of the dwellinghouses and the impact on the Health Service.
- 34 **Scottish Water:** No objections. Advise of water and wastewater capacity in the area and that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water. Scottish Water records indicate that there is live infrastructure in the proximity of the development, therefore, the applicant must contact Scottish Water for an appraisal of the proposals.
- 35 **Scottish Environment Protection Agency:** No objections.
- 36 **Scottish Forestry:** No Comments.

Internal

- 37 **Structures And Flooding:** No objections subject to conditions.
- 38 **Environmental Health (Noise Odour):** No objection on noise or air quality grounds, however, related standard conditions recommended for dust management and hours of operation for noisy working during the construction phase.
- 39 **Transportation and Development:** No objections subject to conditions.

- 40 **Development Contributions Officer:** Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 41 **Community Waste Advisor:**No objection, however, provided detailed advice on the requirements for bin provision, vehicle and operative access, road specifications and vehicle turning requirements.
- 42 **Biodiversity/Tree Officer:**No objections subject to condition.
- 43 **Community Greenspace:** No objections, subject to condition.
- 44 **Planning and Housing Strategy:** Initially commented that the number of dwellinghouses proposed exceeds the indicative range in LDP2 and that whilst the submitted planning statement considers that there are no detrimental impacts from the proposed development and that the small increase still results in an appropriate density, this increase in dwellinghouses extends to outside the settlement boundary which contravenes Policy 6 (Settlement Boundary). A reduction in the number of houses to within that range would allow the proposal to be retained within the settlement boundary. Amendments were made to the site layout, in particular the southern part of the site (plots 95-104) which provided a reshuffle of these plots and therefore allowing the built development to be retained within the settlement boundary. The landscape buffer shown in LDP2 settlement map and indicative drawing has been pushed south outside the settlement boundary but forms a more substantial buffer to the development than originally proposed and closer to that indicated in LDP2 illustrations. Whilst, the landscape buffer is outwith the settlement boundary, it is accepted that the proposed landscaping and footpath provision/connection in to the Ogilvie site will result in a better planning solution for the area. Whilst the proposal is a departure from LDP2, it is considered to be minor and is acceptable.
- 45 **Environmental Health (Contaminated Land):** Historical mapping indicates that the site was previously occupied by railway land in addition to a cemetery immediately east. There is the potential for the site to be impacted by contamination as a result of this former land use. It will therefore be necessary for an assessment of the site to be made to determine its suitability for the proposed use. No objection to the proposal, however, a condition is recommended.

Representations

- 46 10 representations were received. The main issues raised within the representations are:
- Contrary to LDP
 - Inappropriate housing density
 - Over intensive development
 - Lack or loss of car parking
 - Light pollution

- Noise pollution
- Loss of open space
- Loss of trees
- Overlooking
- Capacity issues at Dunbarney Primary School
- Impact on Health Service
- Flooding and drainage
- Design and appearance
- Traffic congestion/road safety concerns
- Loss of agricultural land

47 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

48

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

APPRAISAL

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

Principle

- 50 The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards providing high quality, affordable and sustainable homes (Policy 20, 24 and 25 of the LDP2 and Policy 16 of the NPF4), liveable places (design, quality and place) (Policies 1, 2, 55-58 of the LDP2 and Policy 14 of the NPF4), impacts on prime agricultural land (Policy 50 of the LDP2 and Policy 5 of the NPF4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policy 17 of LDP2 and Policy 15 of the NPF4), historic assets and places (Policies 26A and 26B, of the LDP2 and Policy 7 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4 and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
- 51 The principle of residential development on the site is well established through the allocation in LDP2 (and previous Local Development Plan). The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.
- 52 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

LDP Allocation and Site Density

- 53 It is noted within the representations received reference to the proposed number of dwellinghouses exceeding that within LDP2 and therefore contrary to the LDP. As with other sites in the LDP, this figure is indicative and is not binding, therefore it is not a barrier to development looking at higher or lower densities.
- 54 The site capacity range of 67-104 units covers H14. The Site-Specific Developer Requirements does identify H14 as requiring development to be contained north of the ridge line and a suitable boundary treatment to create village edge, connections and enhancements to be made to the existing core path network and the requirement for a Drainage Impact Assessment.
- 55 The applicant has taken account of some initial feedback following submission regarding the built development outwith the settlement and south of the ridge line and therefore the layout has been amended. Policy 6: Settlement Boundary of the LDP2 restricts built development to within the settlement and Policy 16(a) of NPF4 accords with this. Following revisions, there is no longer built development outwith the settlement boundary and the housing will be retained behind the ridge line.
- 56 The proposed site is within an established residential area of Bridge of Earn and is in an accessible location as it is close to the public transport network and the services provided within the village. The proposed density of 110 units can be physically accommodated within the site, along with the

proposed woodland strip, enhanced core path provision, a SUDs pond and open space that can be enjoyed by all residents in the area, further demonstrating the sites capacity for the number of dwellings proposed. A good level of rear private amenity space will be provided along with landscaped frontages. Seventy-three of the proposed dwellinghouses will be 1, 2 and 3 bedroom units which will help meet current market demand for smaller sized, easy to maintain dwellings especially for first time buyers or those downsizing. All properties will have an acceptable amount of garden ground whilst not adversely impacting on any of the surrounding properties in terms of overlooking or overshadowing. The scale of development for this site is acceptable.

- 57 The proposed development accords with NPF4 Policy 16(a) and LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.

Design and Layout

- 58 The applicant has submitted a supporting Design and Access Statement, as required for an allocated site under LDP2 and a Supporting Planning Statement.
- 59 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure. Also relevant is the masterplan for the site which sets out the key principles for the development.
- 60 Through Designing Places (2001) The Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 61 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social places, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting usable street layouts.
- 62 NPF4. Policy 14 encourages, promotes and facilities well designed development that makes successful places by taking a design-led approach. Development proposals will be supported where they are consistent with the six qualities of successful places; health, pleasant, connected, distinctive, sustainable and adaptable.
- 63 Permeability of places is a crucial component in good street design. Internal permeability is important, however, any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car

rather than other modes. In this case the proposal includes two vehicular accesses and five pedestrian/cyclist access points and is thereby considered to be a permeable and well-connected site that accords with the National Roads Development Guide 2014, NPF4 Policy 13 and LDP2 Policy 60B.

- 64 When considering the layout of any new development, one of the key issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrian and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Frontages are planned to overlook all streets, footpaths and open spaces to ensure passive surveillance. The proposal is, therefore, in compliance with PAN 77 – Designing Safer Places, NPF4 Policy 13 and LDP2 Policy 1.
- 65 The proposals consist of single storey, two storey, detached, semi-detached, terraced and flatted properties providing a good mixture of house types. Whilst the proposal to include shared surfaces is limited, it provides good linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with footpaths located towards the village centre, public transport connections and the surrounding neighbourhood. The use of parking courts within the development is welcomed and ensures that the proposal is not car dominated.
- 66 In terms of the proposed design of each house type, there is an acceptable range of design and materials proposed. The Planning Support Statement describes the house designs as being a contemporary re-interpretation of historic form designed to complement the local area. Houses are designed with a lower eaves height so that the proportion, gable width and roof pitch have a cohesive character fitting to the rural nature of the area and the scale of traditional rural buildings. External finishing materials comprise of a combination of white render with facing brick and dark grey windows and doors. Smooth grey coloured concrete interlocking roof tiles are proposed for the roof covering. Feature panels of facing brick are incorporated to break up areas of singular material. The colour of facing brick has not been confirmed, however, this can be controlled by condition (Condition 37).
- 67 In terms of housing mix, the development proposes a mix of 2-4-bedroom properties as follows:

Open Market

- 2 x 1 bedroom ground floor apartment
- 2 x 1 bedroom first floor apartment
- 2 x 2 bedroom end terrace dwellinghouse
- 2 x 2 bedroom mid terrace dwellinghouse
- 18 x 3 bedroom semi-detached dwellinghouse
- 24 x 3 bedroom detached dwellinghouse

- 33 x 4 bedroom detached dwellinghouse
Total = 83

Affordable Housing

- 2 x 1 bedroom ground floor apartment
- 2 x 1 bedroom first floor apartment
- 4 x 2 bedroom semi-detached bungalow
- 2 x 3 bedroom semi-detached bungalow
- 3 x 2 bedroom mid-terraced dwellinghouse
- 2 x 3-bedroom semi-detached bungalow
- 4 x 3 bedroom end terrace dwellinghouse
- 4 x 3 bedroom semi detached dwellinghouse
- 4 x 4 bedroom semi detached dwellinghouse
Total = 27

68 NPF policy 16 supports development proposals that improve affordability and choice including a range of size of homes whilst LDP2 Policy 25: Housing Mix specifies for all proposals on sites with a total capacity of 20 or more homes, at least 10% of their homes should be one or two bedroom homes. As noted above, a total number of 16 one and two bedroom homes are proposed, therefore, the proposal is in compliance with these policies.

69 The site has been well laid out and designed, taking into account the key constraints and opportunities of the. The site provides good connectivity, both within the development and with the surrounding area, including providing access to existing core path provision. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters such as hierarchy of streets, broad development parameters of the site, connectivity, use of landscaping and external finishes, etc. The site also incorporates a range of 2–4-bedroom units, with the affordable housing units integrated well within the site. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and contribute positively to the quality of the surrounding built and natural environment in compliance with relevant NPF4 and LDP2 policies.

Landscape and Visual Amenity

70 In terms of the impact on visual amenity of the area, a residential development will inevitably change the visual appearance of the area, however, the application site has been identified for residential use in the LDP, therefore this degree of change was envisaged in the site allocation.

71 The landscaping proposed to the south is outwith the settlement boundary, however, it provides a good connection with the adjacent development and associated landscaping although not as organic an edge as is envisaged in LDP2. The applicant states that the requirement for the SUDS pond in the north is the reason why the landscaping needs to be pushed outside the settlement boundary, however, retaining the numbers to those indicated in the

capacity range would have limited the need for this change. The applicant states that the landscaped buffer present an opportunity to create a defined and attractive settlement edge for Bridge of Earn on the southern boundary of the site. It will allow the continuation and consolidation of a new southern edge to the settlement by creating a robust and attractive landscaped boundary to the site which offers integration and a strong landscape structure.

- 72 When comparing the option of reducing the units to within the capacity range and what is proposed here for planting and a footpath outwith the boundary will result in a better planning solution and betterment for this area of Bridge of Earn with most of the southern boundary being well screened from the M90 and provide a clear consistent boundary.
- 73 Whilst the proposal represents a minor departure from LDP2, it provides a better planning, landscape and connectivity solution for this part of Bridge of Earn and as such is considered on this occasion to be an acceptable departure and therefore supportable.
- 74 The Landscape Appraisal submitted for the site sets out how the southern and eastern areas of landscaping will be managed and incorporated into site. The proposed landscape framework will ensure a robust, multi-functional landscape that provides an attractive range of opportunities for outdoor enjoyment and for biodiversity. The design and layout of the site, along with the proposed landscaping to the south and proposed woodland strip that bounds the site to the east is considered to be acceptable in landscape terms and will not cause any unacceptable visual impacts. The Council's Tree Officer has reviewed the landscape plan and considers it to have thought through the functionality of the sites open spaces. The species selection is excellent, with a good use of native trees and shrubs. In addition, the extensive use of suitable garden and street trees is supported, cross referencing with the drainage plan does not show conflict with underground services. The proposal meets the objectives of Policies 4, 6 and 14 of NPF4 and LDP2 Policies 1, 39 and 40B.

Residential Amenity

- 75 Residential amenity requires to be considered under NPF4 Policy 14 and LDP2 Policies 1 and 17.

Privacy, Daylight and Overshadowing

- 76 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with NPF4 Policy 14 and LDP2 Policy 17.

Noise

- 77 The applicant has submitted a noise impact assessment with this application. Noise monitoring was undertaken at the location of the most likely exposed

proposed dwellinghouse at Plot 88 to road traffic noise from the M90. The NIA concluded that road traffic sound levels are within the current planning guidance criteria limits and therefore no need for further mitigation measures.

- 78 Environmental Health colleagues were consulted and in light of the above have no adverse comment to make in relation to noise and that the residential amenity of the proposed dwellinghouses will not be adversely affected by road traffic noise from the existing M90. There are therefore no conflicts with NPF4 Policy 14 and LDP2 Policy 56.

Air Quality/Dust

- 79 An Air Quality Impact Assessment (AQIA) was submitted and reviewed by colleagues in Environmental Health. The AQIA assessed the impact on air quality on existing and new receptors, due to the proposed development, from road traffic emissions generated by the development and the pollutants of concern are Nitrogen Dioxide (NO₂), Particulate Matter (PM₁₀ & PM_{2.5}). It was concluded as negligible significance for all pollutants.
- 80 The AQIA has not assessed the impact of dust from groundworks and construction operations for the development, however, Appendix 3 of the report gives recommended mitigation measures to prevent or minimise the release of dusts during the construction or groundwork phases of the development. As such condition 9 asks that a Dust Management Plan be prepared and submitted prior to commencement of works. Subject to condition, the proposal complies with NPF4 Policy 14 and LDP2 Policy 57.

Roads and Access

- 81 A Transport Statement has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 82 A number of representations have raised concerns in relation to road issues with 4 accesses proposed onto The Meadows comprising of a footpath opposite Ptak Way, secondary vehicular access, sub-station access and new house driveway.
- 83 The applicant is proposing two vehicle accesses connecting to the existing public road network, with one opposite 28 and 29 The Meadows and the other vehicle access on Wicks O'Baiglie Road opposite The Gospel Hall. The applicant will be providing footways on both sides of the vehicle access onto Wicks O'Baiglie Road and on the northern side of the vehicle access onto The Meadows. An additional footway link will be provided onto Dunbarney Avenue, albeit the applicant has not shown this to connect into an existing footway, rather a grass verge, but this will be addressed in the Road Construction Consent application, nevertheless, this footway link will provide a shorter route for anyone going to the facilities on Wicks O'Baiglie Road, such as The Gospel Hall or playing fields.

- 84 To the south of the site, the applicant is proposing to provide additional recreational paths, which will link to the existing paths at the end of The Meadows and create a new link onto Wicks O'Baiglie Road, which has been designated as Walking and Cycling Friendly Road, with a reduced speed limit of 40mph. For the avoidance of doubt the recreational paths to the south of the site, will not form part of the road's adoption.
- 85 A Construction Traffic Management Plan will be required prior to commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic. This should help alleviate any concerns for existing residents.

Parking

- 86 The level of car parking proposed by the applicant is acceptable and meets the standards of the National Roads Development Guide, whereby:
- 1 bedroom property will be provided with 1.5 spaces
 - 2-3 bedroomed property will be provided with 2 car parking spaces
 - 4 bedroomed property will be provided with 3 car parking spaces'
- 87 If the property requires the garage for car parking, the garage will have a minimum internal dimension of 3 x 7 metres which also complies with the National Roads Development Guide.
- 88 Perth and Kinross Council Placemaking Guide 2020, page 39 specifies for off-street parking that parking within the plot should not dominate the front garden of houses. Similarly Designing Streets specifies that car parking should be level with, or behind the main building line which is more aesthetically pleasing in streetscape terms. It further references that parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance.
- 89 Many of the parking spaces are situated to avoid a car dominated street view, although this is not carried through the entire site, more so to the affordable housing section in the west of the site. Whilst some revisions were made to parking at plots 13-16 and 21, revisions were not extended to plots 53-71 as the applicant's desire was to maintain the landscape buffer along The Meadows, particularly as the new housing will sit at a lower level than The Meadows.

Street Lighting

- 90 Perth & Kinross Council's Street Lighting Partnership have advised that an approved street lighting design will be required, including the extension of existing street lighting on Wicks O'Baiglie Road to encompass the sites principal access and any adjustments required for the existing street lighting on The Meadows or Dunbarney Avenue. A condition is recommended to secure the delivery of a suitable street lighting system (Condition 13).

Public Transport

- 91 Consultation has been undertaken with the Public Transport Unit and they do not consider that bus service infrastructure is possible within the development site but the upgrade of the existing shelter 64802272 – Kintillo, Kintillo Road at Kintillo Place to support residents in the use of public transport. Replacing the existing shelter to provide additional capacity to a new 3 bay cantilever shelter with a 24/7 electrical supply for courtesy lighting and supply and install an RTPI bracket and display.
- 92 Following discussion in terms of the location of the upgraded bus shelter, it was felt that it would be more beneficial to have a shelter at the Ember Stop. Ember operates an all-electric Express Coach Service between Dundee and Edinburgh. This serves a bus stop on the A912 in Bridge of Earn, just off Wicks O’Baiglie Road and this would benefit from having a bus shelter, 24/7 electricity supply and RTPI Digital Displays at that location. The Applicant was agreeable to this as an alternative option to upgrading the Kintillo Road bus shelter. It would benefit not only Kintillo residents but the wider Bridge of Earn community wishing to access the Ember express services. The Developer has to pay for all costs including the implementation of the bus shelter. A condition is recommended for the shelter to be installed prior to the occupation of the 10th dwellinghouse (Condition 15).

Visibility Splay

- 93 The visibility splay onto the existing public road network is to an acceptable standard. It is noted that on the Wicks O’Baiglie Road the applicant is proposing to plant a native hedge along the edge of the public road network, this may have implications for the visibility splay. A condition is, therefore, recommended for planting and fence lines to be clear of the splay (Condition 17).

Road Width

- 94 The applicant has proposed to ensure that the width of Wicks O’Baiglie Road is 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. A condition is recommended for securing a minimum road width of 6 metres, prior to the commencement of works within the site, to ensure the road is a suitable width for construction traffic (Condition 17).
- 95 Both Transport Scotland and PKC Transport Planning offers no objection to the proposal. The proposal accords with NPF4 Policies 13 and 14 and LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot, bicycle and public transport subject to planning conditions. The transport network can accommodate the proposed level of traffic generation with minimal impact. Its location should provide a realistic choice of more sustainable modes of transport and thereby help reduce travel demand by car.

Open Space and Play Area

- 96 Due to site levels, the SUDs pond is located at the northern edge of the site with an area of open space and landscaping proposed at the southern edge with footpath link into Site H72 both of which will be utilised by existing and future residents. Community Greenspace confirmed during pre-application discussions that only one of the two allocated sites at this location will be required to provide a play area provided it was easily accessible from the other. Site H72 has a play area with play equipment and a footpath is located within the landscape buffer at the southern end of that site, therefore, the footpath proposed at the southern side of this application will link into it. As such there is no requirement for a play park in this application. The applicant has, however, proposed an area of open space designed to provide play, seating and open grass spaces. As such the proposal complies with NPF4 Policy 21 and LDP2 Policy 14B.

Drainage and Flooding

- 97 The site is not located within SEPA fluvial flood extents. SEPA surface water maps show minimal impact at the northern end of the site, however, it is considered reasonable that this can be managed by the proposed drainage infrastructure. A SUDs facility is proposed to be located at the north end of the site.
- 98 The drainage plan indicates that the SUDs pond will discharge into the existing ditch north of the Kintillo football pitch. The drainage plan assumed this flows into the Yellow Burn but there was no confirmation. Perth & Kinross Council (PKC) Flood Team carried out drainage investigation works in February 2023 which confirmed that this ditch flows into the Yellow Burn culvert (beneath Horsemill Place) which then discharges into the River Earn. PKC Flood Team will, however, require confirmation that the developer has obtained the necessary approval from appropriate landowners to install this outfall and ensure that this ditch will be cleared of any debris/vegetation prior to the commencement of any works. Condition 5 and Informative 18 adequately addresses this requirement.
- 99 Initially, PKC Flood team reviewed the drainage calculations (submitted as part of the FRA) and raised no issues, however, NPF4 came into force in February 2023 and the climate change percentage in the submitted FRA did not comply with the new legislation. Accordingly, the FRA was updated to comply with the new climate change percentages (53%/39%). The detailed design plan for the proposed SUDs will require to be submitted prior to commencement of development, however, this can be controlled by condition (Condition 6).
- 100 It is also worth noting that the outfall is located outwith the red line site boundaries for this application, therefore, a secondary application has been submitted, planning reference 22/02020/FLL, and approved.
- 101 Overall, the proposal is compliant with NPF4 Policy 22 and LDP2 Policy 52 and 53.

Natural Heritage and Biodiversity

- 102 The Council will seek 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.
- 103 The Council's Biodiversity Officer has reviewed the submitted Ecological Survey and Biodiversity Action Plan and in so far as biodiversity is concerned, has no objections subject to conditions (Conditions 23-27). The proposed development, therefore, complies with Policy 41 of LDP2 and Policy 3 of NPF4.

Waste Collection

- 104 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

Health Care

- 105 Concerns were raised in the letters of representations regarding the closure of the GP practice in Bridge of Earn and the lack of Health Centre provision. NHS/HSCP were asked to provide comments in this regard and advised that they acknowledge that the development will place additional pressure on health facilities, however, recognise that the site is an allocated site in the LDP2 and has PPP consent and therefore it is too late to resist allocated sites on NHS/HSCP grounds.

Sustainability

- 106 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. It is noted air source heating is suggested to be used; and that the designs include a range of low and zero carbon generating technologies, which is welcomed. However, the specific requirements of Policy 32 have not been formally addressed in terms of the 10% requirement for the deployment of Low and Zero Carbon Generating Technology in New Development (LZCGT). Solar PV panels on each home are recommended along with air source heat pumps (ASHP). Unless ASHP are the main source of heating for each dwelling (or building in the case of flats) a calculation will be required to be provided before occupation to demonstrate compliance with Policy 32. As required under Policy 32 the applicant will need to demonstrate compliance in terms of what LZCGTs will be deployed. As such a condition shall be imposed to ensure this requirement is met. (Condition 32).

Archaeology

- 107 The proposed development site lies in an area that is archaeologically sensitive. The location of the development lies on the post glacial shoreline and recent archaeological research carried out by the Tay Landscape Partnership on a similar site to the west of Bridge of Earn located a significant Mesolithic camp site (MPK20049), the first monument site of its type found in Perth and Kinross. The applicant has submitted a desk-based assessment and fieldwalking were undertaken as part of the pre-application works. The results of this survey concluded that further archaeological work was advised and a draft WSI for trial trenching was submitted to Perth and Kinross Heritage Trust (PKHT) for comment.
- 108 As such, PKHT recommend that an archaeological evaluation should take place to assess the presence/absence, character and significance of archaeological deposits on the site and in line with Scottish Planning Policy (SPP) have recommended a condition for a programme of archaeological works be attached to any consent (Condition 36). Whilst the consultation response makes reference to SPP, which is no longer a material consideration, the recommended condition is still relevant to accord with Policy 7 Historic Assets and Places of NPF4 and LDP2 Policy 26B.

Contamination

- 109 Colleagues in Environmental Health were consulted and advised that historical mapping indicates that the site was previously occupied by railway land in addition to a cemetery immediately east. There is the potential for the site to be impacted by contamination as a result of its former use. As such it is necessary for an assessment of the site to be made to determine its suitability for the proposed use. This can be addressed through the use of a condition (Condition 35).

Developer Contributions

- 110 LDP2 Policy 5 – Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.

Education Provision

- 111 The proposed development will result in the current primary school being over capacity. As a result, a financial contribution (£426,030) is required for 82.5 dwellings (110-27.5 affordable units). This contribution will be dealt with via the Section 75 Legal Agreement.

Affordable Housing

- 112 The Council's Affordable Housing Officer has confirmed that 25% will be required for affordable housing. The proposal is for 110 dwellinghouses which generates a requirement for 27.5 homes. The Accommodation Schedule plan

shows 27 affordable homes provided on-site. Payment of a commuted sum for the remaining 0.5 units is acceptable. As a result, a financial contribution of £14,000 is required. Delivery of the affordable housing units and the contribution will be dealt with via the Section 75 Legal Agreement.

Transport Contribution

- 113 A financial contribution is required towards the cost of delivering the transport infrastructure improvements needed for the release of all development site in and around Perth. As a result a financial contribution $((82.5 \times £3,657) + (27.5 \text{ (affordable units)} \times £1,828) = \underline{£301,702.50} + \underline{£50,270}$.

Statement of Community Benefit

- 114 NPF4 Policy 16 requires development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The Applicant has submitted a Statement of Community Benefit which concludes that the proposed development will have a positive benefit on the local community. It will provide a broad range of new homes of varying sizes and tenures. It will be accompanied by areas of extensive open space and associated facilities and in addition to this it will provide a new bus shelter at the Ember stop all to the benefit of the community. The proposed development, therefore, is in compliance with NPF4 Policy 16.

Economic Impact

- 115 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

VARIATION OF APPLICATION UNDER SECTION 32A

- 116 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:
- Change in finishing materials.
 - Revision to house types for plots 3 and 4.
 - Removal of green strip to the rear of plots 45-51.
 - Reconfiguration of layout at the southern part of the site, in particular plots 95-104 (new vehicular access onto The Meadows for plot 104)
 - Revision to garages on plots 1 and 10.
 - Change to orientation of plot 8.
 - Revisions to plots 53-67.
 - Revision to garage positions on plots 90-93.
 - Plots 18 and 19 extended.

LEGAL AGREEMENTS

- 117 A draft Heads of Terms is being agreed with the applicants and a Section 75 Legal Agreement is in the process of being prepared and will assess the following matters;
- On-site Affordable Housing provision (27 units) and commuted sum (£14,000)
 - Transport Infrastructure contribution (£351,972.50)
 - Commuted sum for Primary School Education provision (£426,030)
 - Open Space Provision and Maintenance
 - Play Area Provision and Maintenance
 - Planting framework
- 118 Maintenance arrangements (in perpetuity) of the agreed open space areas can be maintained by a private factor, rather than adopted by the Council. The exception to this is above ground SUDs and play areas, which must be adopted by the Council. As such an option for private factoring has been included in the Heads of Terms.

DIRECTION BY SCOTTISH MINISTERS

- 119 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

- 120 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered a minor departure from the development Plan, specifically Policy 6 of Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 121 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

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

B 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.

C PROCEDURAL NOTES

Permission shall not to 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.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended

to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. 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. 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. 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. 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.

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.

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.

16. 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.
17. 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.
18. 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.
19. 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.

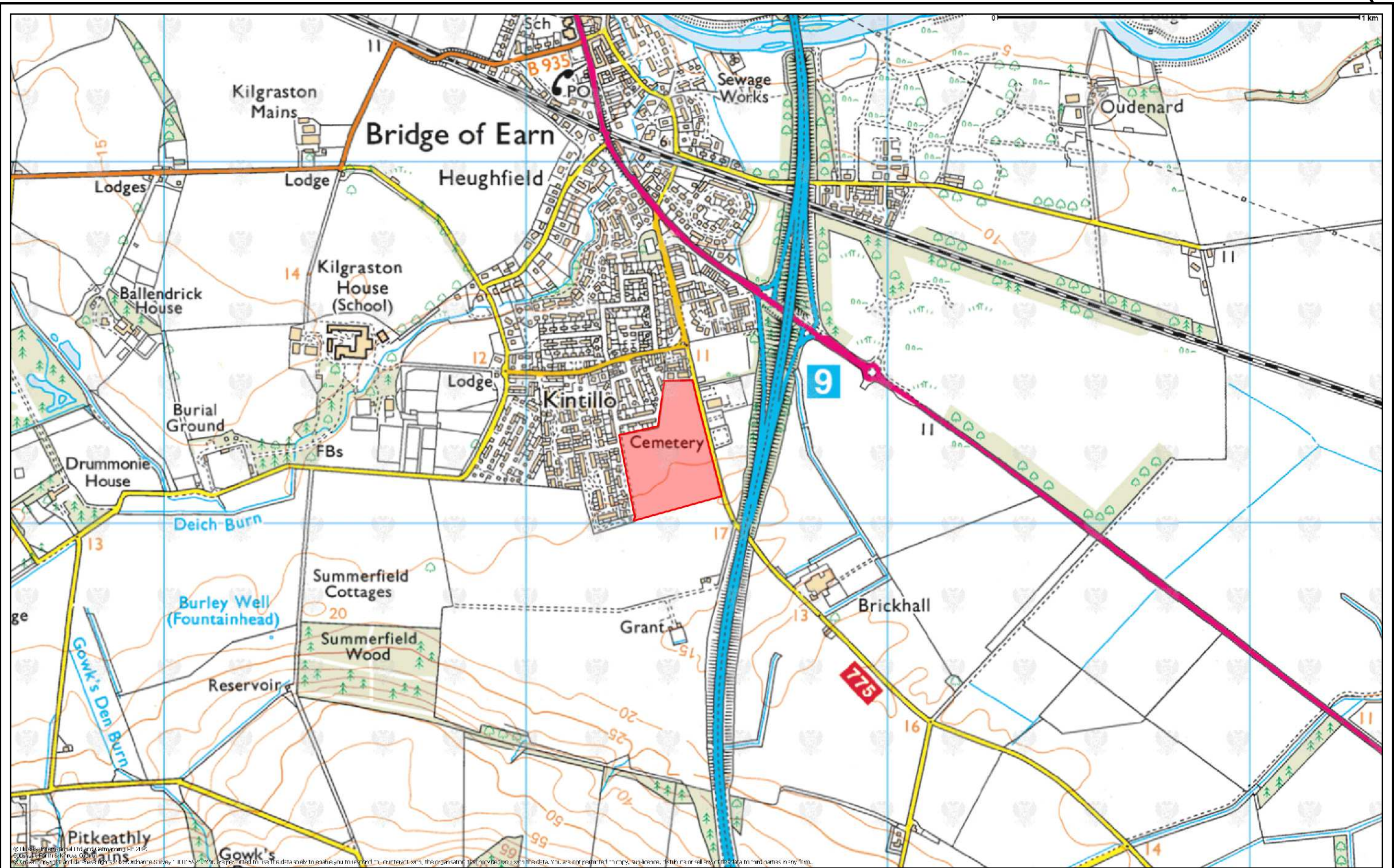
Background Papers: 10 letters of representation
Contact Officer: Gillian Peebles
Date: 14 September 2023



**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

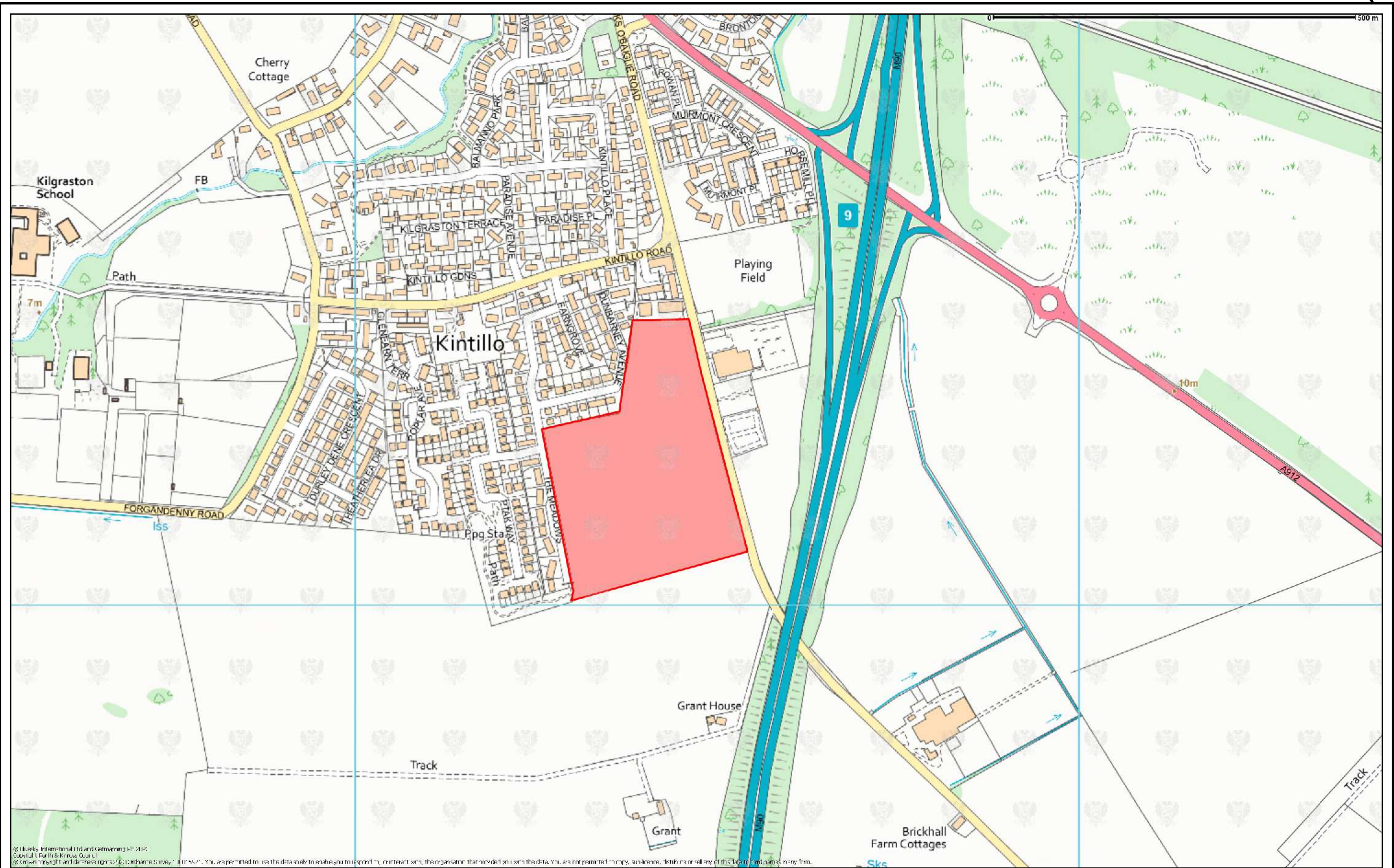
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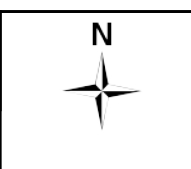


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Planning and Placemaking Committee - 11 October 2023
Scale 1:5000



22/00817/FLM
Erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping at Land 150 metres South West of Kintillo Cemetery (h14), Bridge of Earn



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/270)

PROPOSAL:	Erection of 90 dwellinghouses, 2 residential blocks comprising 10 flats, associated infrastructure, access, SUDS and landscaping (in part, allocated site H69)
LOCATION:	Land 150 Metres South of Station House, Forfar Road, Meigle

Ref. No: 22/01501/FLM
 Ward No: P2 – Strathmore

Summary

This report recommends **approval** of the application for a development comprising the erection of 90 dwellinghouses and 10 flats with associated infrastructure, access, SUDS and landscaping on land 150 Metres South of Station House, Forfar Road, Meigle.

The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations that outweigh this conclusion.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located predominantly to the south of Forfar Road within the village of Meigle and is currently in agricultural use. A small part of the site includes an area to the north of Forfar Road, which is also currently in agricultural use. The majority of the site, with the exception of the SUDS area, is within the settlement boundary and is allocated within the Perth and Kinross Local Development Plan 2 (2019) (LDP2) as housing proposal H69.
- 2 The site extends to approximately 5.5ha and is bound to the north and west by the rear of residential properties fronting Forfar Road, Strathmore Place and Dundee Road. Meigle Primary School is also located just beyond the site's western boundary. Outwith the site boundary to the east is the route of a disused railway and beyond this to a core path which runs parallel to it. The core path is level with the site but is on the opposite side of the railway which is in a cutting for most of its length where it runs adjacent to the site. Beyond the core path to the east and to the south are agricultural fields.

- 3 The site will have a single vehicular access from Forfar Road at the north-east corner. Pedestrian links will be provided to Strathmore Place at the north-west corner, to Dundee Road to the south-west between the bowling green and Kinloch Memorial Hall and to the agricultural land at the south-east corner. A shared-use safe route to school will also be provided alongside the open space adjacent to the school.
- 4 The site will be laid out around a legible street hierarchy with a singular primary route supplemented by shared surface streets, connecting to private drives and parking courts. The majority of the houses are oriented to face a road or areas of open space. The areas along the north and east boundaries of the site will be landscaped and will incorporate footpath links through the site and adjoining areas beyond. An area of green open space will be provided adjacent to the school and will incorporate a shared use Safe Route to School.
- 5 Of the 100 residential units proposed, 75 will be for private sale with 25 affordable homes. The dwellings comprise a mix of detached, semi-detached and terraced houses and cottage flats. Eight of the dwellings will be bungalows, which will be split equally between the market and affordable housing. The unit numbers and tenure mix includes:
 - 27 x two-bedroom cottage flats and terraced/semi-detached dwellinghouses;
 - 31 x three-bedroom terraced/semi-detached/detached dwellinghouses;
 - 26 x four-bedroom detached dwellinghouses; and
 - 16 x five-bedroom detached dwellinghouses.
- 6 All of the properties will have access to a private external amenity area. The properties will be finished with smooth white render with a grey coloured facing brick base course and weatherboard. The roof coverings will be grey concrete tiles.

Pre-Application Consultation

- 7 Pre-application reference: 22/00012/PAN
- 8 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it proposes a residential development of 50 or more dwellings. Therefore, the applicant was required to undertake formal preapplication consultation with the local community and a Pre-Application Consultation (PAC) Report has been submitted in support of the application.

Environmental Impact Assessment (EIA)

- 9 EIA screening reference: 22/00864/SCRN

- 10 An EIA screening has been undertaken in relation to the proposal. The screening exercise concluded concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects.

DEVELOPMENT PLAN

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

National Planning Framework 4

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

- Policy 1: Sustainable Places
- Policy 2: Climate Mitigation and Adaption
- Policy 3: Biodiversity
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2

- 14 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.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries

- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Supplementary Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Open Space Provision for New Developments (adopted in 2021)
- Supplementary Guidance - Placemaking (adopted in 2020)

Non Statutory Guidance

- Planning Guidance - Delivery of Development Sites
- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity

Planning Advice Notes

16 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 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport

Creating Places 2013

- 17 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.

Designing Streets 2010

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

National Roads Development Guide 2014

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

Site History

- 20 **17/0050/LDP2** On 3 March 2022 for Residential development of 64-100 units (limited to 50 during the lifetime of the plan) on a 5.7 ha site. The site has previously been allocated for the proposed use.
- 21 **22/00864/SCRN** On 8 June 2022 for Proposed housing development with associated landscape framework and infrastructure (LDP H69).
- 22 **22/00012/PAN** On 2 June 2022 for Residential development with associated landscape framework and infrastructure (in part, allocated site H69).

CONSULTATIONS

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

External

Scottish Water

- 24 No objections. There is currently insufficient capacity at Meigle Wastewater Treatment Works to service the proposed development. However, a growth enhancement project is currently underway at Meigle WWTW to provide

additional capacity that meet the needs of future growth ambitions in the catchment, and this development has been included.

Perth And Kinross Heritage Trust

25 No objections. Written Scheme of Investigation approved prior to the commencement of works.

Scottish Environment Protection Agency

26 No comments.

Dundee Airport Ltd

27 No impact.

Meigle Community Council

28 Object. Consider that there would be an adverse impact on visual amenity, increased flood risk, the development has an inappropriate character and density for the existing village, noise pollution, additional traffic, impact on local sewage works, lack of environmental improvements and lack of opportunity for employment provision.

Internal

Structures And Flooding

29 No objections.

Biodiversity/Tree Officer

30 Biodiversity improvements to be secured via condition.

Community Greenspace

31 No objections. Contribution required towards upgrade of Victory Park.

Environmental Health (Noise Odour)

32 No objections. Request for a condition to ensure that potential noise from the air source heat pumps is adequately attenuated.

Environmental Health (Contaminated Land)

33 No objections. Condition required.

Transportation And Development

34 No objections. Conditions required.

Development Contributions Officer

35 No requirement for an education contribution. 25% affordable housing to be provided on site.

Community Waste Advisor - Environment Service

36 No objections.

Representations

37 59 representations were received objecting to the proposal. The main issues raised within the representations are:

- Concerns over vehicular access to the site
- Increase in traffic
- Road safety concerns
- Loss of agricultural land
- Flooding concerns
- Increased pressure on local services
- Adverse effect on visual amenity
- Inappropriate housing density
- Development is out of character with the area
- Archaeological concerns
- Increased noise and air pollution
- Impact on sewer and drainage systems
- Loss of privacy
- Biodiversity impacts

38 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

39

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Archaeological Report • Flood Risk Assessment • Drainage Strategy Report • Ecology Report • Site Investigation Report • Landscape and Visual Appraisal • Road Safety Audit • Transport Statement • Statement of Community Benefit

APPRAISAL

40 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations

indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 41 The principle of the proposal has been established through the site's allocation as H69 in LDP2 for a residential development. The LDP2 allocation advises that the residential capacity of the site is 64-100 units, with this being limited to 50 during the lifetime of the Plan. When the limit of 50 units was proposed Local Development Plans were required to be reviewed and replaced over a five-year cycle, with the current LDP2 due to be replaced in 2024. However, the Planning (Scotland) Act 2019 changed this to a 10-year cycle, with LDP3 now programmed to be adopted in 2027. Had this not been changed, current build out rates for residential development sites would mean it is unlikely that more than 50 units would be completed before 2024. Therefore, the proposal for 100 units on the site is acceptable as it complies with the longer-term vision for the site in LDP2.
- 42 The principle of the development is acceptable provided the proposals are compatible with relevant policies of the development plan.

Design and Layout

- 43 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure.
- 44 The layout seeks to provide a logical movement pattern, particularly for non-motorised users with emphasis on creating permeability through the site. Connections take cognisance of desire lines through the site, particularly to the village centre to the north-west and Meigle Primary School that bounds part of the site to the west. The proposed core path to the east is not within the site boundary and land ownership issues mean that it is not possible to include this within the proposal. However, paths along eastern side of the site will ensure that future links can be made to the core path.
- 45 The proposed landscaping of the eastern boundary will form an appropriate transitional area between the development and the open agricultural land to the east. The landscaping will also play an important role in forming a green connection through the site which will allow for a continuation of the landscape character of the site edge. The use of feature walling at the access to the development will create a welcoming entrance to the development.

- 46 The submitted landscape masterplan illustrates a number of trees and hedgerows to be introduced as part of the development. However, it lacks detailed information and a condition (Condition 3) requiring the submission of a detailed planting plan indicating species, location and density will be necessary to secure this.
- 47 A total of 100 houses and flats are proposed. The majority of the units have been orientated to face a road or areas of open space, where they can provide passive surveillance. The proposal provides a suitable mix of 2-5 bedroom units, addressing the needs of a range of households. All of the houses will have a private garden area with the flats having private and communal spaces. Overall, the scale and density of the development is commensurate with the prevailing townscape within Meigle.
- 48 The use of a mix of car parking within the development including in-curtilage, on-street and parking courts ensures that the proposal is not car dominated.
- 49 The proposed palette of materials, including coloured render with grey or buff roof tiles is appropriate in this location and is considered acceptable.
- 50 The site has been well laid out and designed, taking into account the key constraints and opportunities. The site provides good connectivity, both within the development and with the surrounding area. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters. The site also incorporates a range of 2–5- bedroom units, with the affordable housing units well interspersed within the site and located close to local amenities. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and contribute positively to the quality of the surrounding built and natural environment in compliance with relevant NPF4 and LDP2 policies.

Residential Amenity

- 51 Residential amenity requires to be considered under LDP Policy 1: Placemaking and Policy 17: Residential Areas.

Privacy, Daylight and Overshadowing

- 52 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with Policy 17: Residential Areas as the proposed use and impact is considered acceptable.

Noise

- 53 Some of the properties are to be fitted with air source heat pumps. Environmental Health have requested that a condition (Condition 4) be imposed to control the noise from the heat pumps in order to protect neighbouring amenity. There is potential for noise issues during the construction phase. A condition (Condition 5) is required to control working hours to ensure the construction activities are kept within reasonable times. There are no noise concerns arising as a result of the proposed development once completed.

Air Quality

- 54 The main potential long-term impact on air quality resulting from the development will be from vehicular trips. The applicant has provided a Transport Statement and traffic generation data which assess the impact of these trips. The increase in vehicle traffic flow is below the criteria requiring a full Air Quality Assessment to be undertaken. Any impact on air quality as a result of the development is considered to be negligible.

Contaminated Land

- 55 In view of the historical agricultural activities conducted, in advance of any development taking place it is deemed appropriate to have an assessment undertaken to identify any potential constraint that would be required to be mitigated through remedial measures (Condition 11).

Roads and Access

- 56 NPF4 Policy 13: Sustainable Transport seeks to encourage developments that prioritise sustainable travel while LDP2 Policy 60 Transport Standards and Accessibility Requirements requires consideration of transport and accessibility. A supporting Transport Statement has been assessed by the Council's Transport Planning team, who do not object with the scale of development and the proposed parking requirements are considered adequate.
- 57 All the detached and semi-detached properties will have driveways, with parking for the terraces and visitors largely provided in parking courts and on street. Many of the properties have driveways extending along the gables to allow vehicles to be parked away from the road in line with Designing Streets principles and aiming to reduce the visual impact of parked cars within the street scene. The use of shared surfaces within the development will reduce vehicle speeds and create a more pleasant environment for cyclists and pedestrians.
- 58 To encourage the use of sustainable transport to and from the development site, the Public Transport Unit have recommended a bus stop is upgraded in Meigle to include a Real Time Passenger Information Display Screen, supplied and fitted. It is suggested that the bus stop at or opposite Meigle Post Office shall be

upgraded, or another location agreed with the team. A condition (Condition 6) will be required to ensure the installation of the RTPPI screen.

- 59 Overall, the proposal is considered to comply with NPF4 Policy 13 and LDP2 Policy 60, subject to conditions on the installation of RTPPI screen, the requirement for a Residential Travel Plan (Condition 7) and the requirement for a Construction Traffic Management Scheme (Condition 8).

Drainage and Flooding

- 60 A SUDS and Drainage Strategy Report has been submitted in support of the application. Flooding and Structures have been consulted and initially sought clarifications in relation to the SUDS proposals. However, following the submission of further technical drawings and information, these concerns have been addressed.
- 61 Scottish Water has advised that there is currently insufficient capacity at the Meikle Wastewater Treatment Works to service the development. They further advise, however, that a growth enhancement project is currently underway at Meikle WWTW to provide additional capacity that meet the needs of future growth ambitions in the catchment, and this development has been included. The developer will be required to undertake a separate consenting process with Scottish Water before development can commence on the site.
- 62 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Waste Collection

- 63 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

Archaeology and Conservation Considerations

- 64 The proposed development site is highly sensitive and is known to have significant archaeological potential. An Archaeological Written Scheme of Investigation (WSI) has been submitted and approved by the Council, in consultation with Perth and Kinross Heritage Trust. The developer is currently in the process of implementing the agreed programme of archaeological works, during which significant archaeological remains have been identified. Most of the field work has now been completed and the post excavation analysis is currently being carried out. Although the WSI has been approved and partially implemented, condition (Condition 9) is required to ensure that the programme of archaeological works is fully completed. The requested condition will ensure that

the proposal complies with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

Natural Heritage and Biodiversity

- 65 NPF4 Policy 1: Sustainable Places, Policy 3: Biodiversity and Policy 4: Natural Places are relevant considerations as are LDP2 Policies 38: Environment and Conservation, and 41: Biodiversity.
- 66 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the proposal. The PEA advises that there was no evidence of protected species found within the site. It is noted that the site currently holds little ecological value. However, the development provides an opportunity to create biodiversity enhancements. Therefore, a condition (Condition 10) will be imposed requiring the submission of a Biodiversity Enhancement Plan for the site, in line with NPF4 and LDP2 principles.

Developer Contributions

- 67 It is proposed that 25% of the development will be affordable housing in line with the requirement of NPF4 Policy 16: Quality homes and LDP2 Policy 20: Affordable Housing. A Section 75 legal agreement will be required to secure the delivery of the affordable housing.
- 68 Community Greenspace have advised that the development falls within the catchment for the play area at Victory Park. They have requested that a contribution towards the ongoing maintenance and future upgrade of Victory Park would be preferable to the provision of a new equipped play area within the development as previously proposed, to which the developer has agreed. A sum of £26,852 is sought, being the estimated cost of 10-year maintenance and upgrade of Victory Park.
- 69 Subject to completion of a Section 75, the application is considered to satisfy contribution and infrastructure requirements.

Economic Impact

- 70 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

VARIATION OF APPLICATION UNDER SECTION 32A

- 71 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.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 72 A Section 75 Agreement will be required to secure necessary infrastructure requirements relating to affordable housing and the upgrade of Victory Park.

DIRECTION BY SCOTTISH MINISTERS

- 73 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

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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.

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

Permission shall not to 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.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act,

which may result in enforcement action being taken. 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. 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.

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. 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.

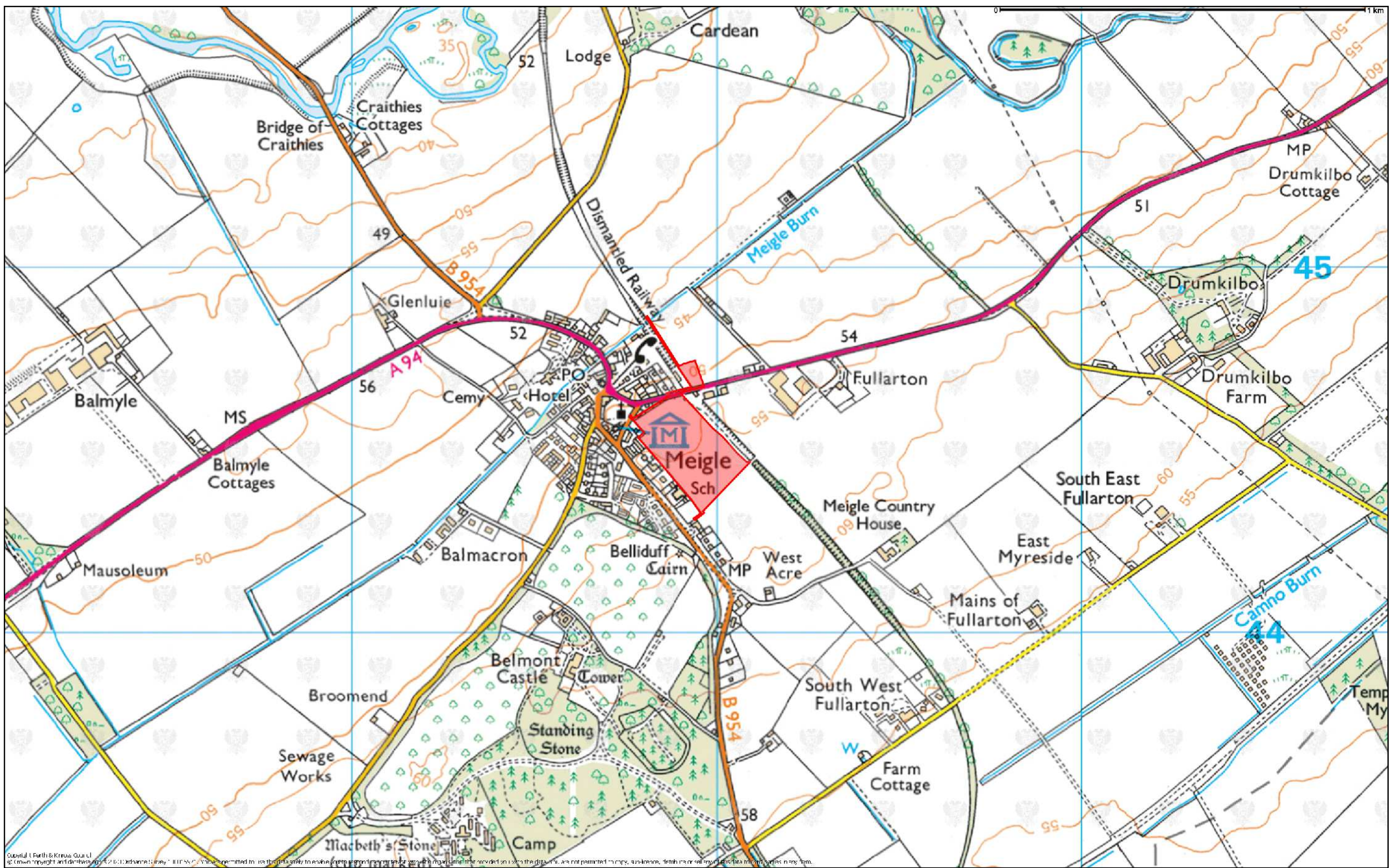
Background Papers: 61 letters of representation
Contact Officer: Alex Gudgeon
Date: 29 September 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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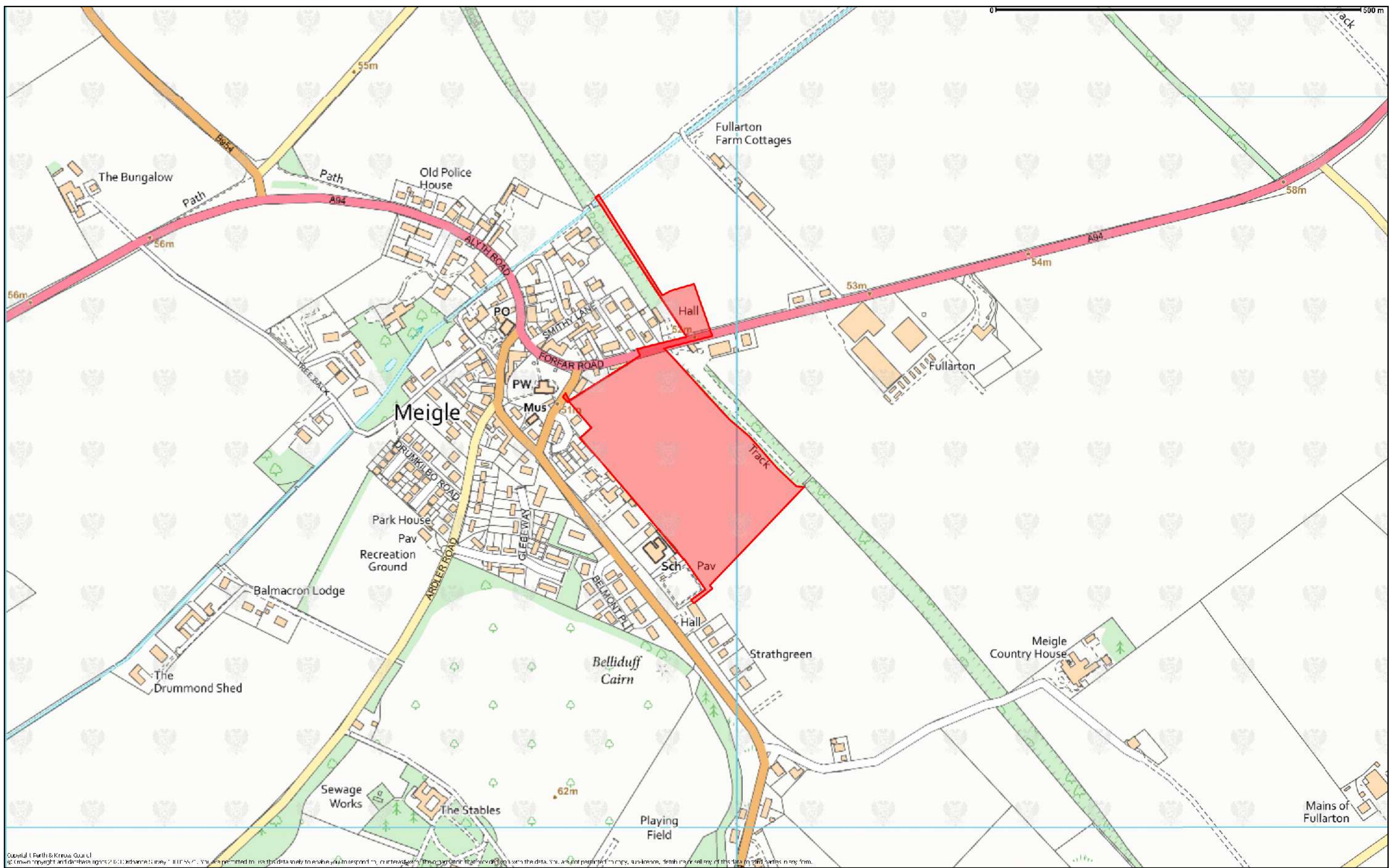
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Planning and Placemaking Committee - 11 October 2023
 Scale 1:10000



22/01501/FLM
 Erection of 90 dwellings, 2 residential blocks comprising 10 flats, associated infrastructure, access, SUDS and landscaping (in part, allocated site H69) at Land 150 Metres South of Station House, Forfar Road, Meigle





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Planning and Placemaking Committee - 11 October 2023
Scale 1:5000



22/01501/FLM
Erection of 90 dwellinghouses, 2 residential blocks comprising 10 flats, associated infrastructure, access, SUDS and landscaping (in part, allocated site H69) at Land 150 Metres South of Station House, Forfar Road, Meigle



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/271)

PROPOSAL: Formation of a 49.99MW battery energy storage compound comprising battery storage units, ancillary buildings and equipment, bogland restoration, landscaping and associated works

LOCATION: Shindour, Feddal Hill Wood, Braco

Ref. No: 22/02231/FLM
 Ward No: P7 – Strathallan

Summary

This report recommends approval of the application, subject to a number of planning conditions. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks detailed planning permission to construct and operate an energy storage facility immediately to the northeast of the existing Beauldy Denny transmission line at the Braco West substation. The site is located in Feddal Forest on Feddal Hill, within an area previously planted with Sitka spruce trees which were felled around 10 years ago by SSE as part of its work on the adjacent electricity sub-station and pylon lines. The site of 0.7 hectares lies some 3.8km to the west of Braco, 6.8km north of Dunblane and the nearest residential property of Bentick Farm is 1.2km to the south.
- 2 The proposed energy storage facility would accommodate up to 50 battery storage units housed within steel shipping containers with associated inverter/transformer units and ancillary structures including a store, office, parking and electrical control building. The area which would be developed extends to 7,329m². The site would be surrounded by landscaping consisting of native trees along with an inner security fence along with a drainage swale. An area to the north of the site would be restored as bog habitat.
- 3 The proposed energy storage facility of 49.9MW would provide rapid-response electrical backup to the electricity grid. It would draw electrical power from the

electricity grid and then store it. The storage of electricity is regarded as a generation activity, however, the electrical power would be drawn power from the electricity grid and stored, for release back into the grid when required.

- 4 The proposed development will be accessed from an existing minor road and forestry track to the south, connecting the site with the B5033 road at the Muckle Burn. The route is 3.9km in length and has been upgraded to accommodate the substation construction traffic and forestry equipment and timber lorries including the provision of passing places.
- 5 The proposed development would be temporary in nature, with consent being sought for an operational period of up to 50 years. After this period the site would be decommissioned and restored to blanket bog.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 An EIA screening has been undertaken as part of this submission, concluding that an EIA was not required, as the proposal was not considered likely to have significant environmental effects. Nevertheless, a combined suite of supporting environmental information was included in the supporting information, including assessment of the following areas:
 - Transport
 - Ecological Appraisal
 - Sustainability including Carbon Assessment
 - Construction and Environmental Management Plan (CEMP)
 - Peat Management Plan
 - Supporting Statement including Design and Access Statement; Landscape and Visual Impact Assessment; Noise & Lighting Assessment

Pre-Application Consultation

- 7 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed. The applicant was therefore required to undertake formal pre-application consultation with the local community. The approach followed current Scottish Government guidance, included a dedicated website for the project and two online events on 27 January 2022 and 17 February 2022 with a live presentation and question and answer session. The Ward Councillors, MSP, MP, and Braco & Greenloaning Community Council were advised of the event, alongside relevant material being made available, both before and beyond the proposed online events, all to give the public the best possible opportunity to have input. Interested parties and landowners within a 500m radius of the site and those that share the access route off the B8033 were contacted directly by the developer.

- 8 The submitted Pre-Application Consultation (PAC) Report identified that a single member of the public attended each of the two consultation events, representing other family members in each case. Each attendee was broadly supportive of the proposal but expressed concerns with regard to potential traffic impact on local roads through the construction phase. The developer has also engaged directly with two other households in the vicinity of the development, following a request for further information and queries regarding the ongoing maintenance of the access route both during and following construction. No submissions or representations have been made to the developer by any members of the public or other consultees. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

NATIONAL POLICY AND GUIDANCE

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

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2 (2019).

National Planning Framework 4

- 12 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

- 14 In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.
- 15 The Council's assessment of this application has considered the following policies of NPF4:
- 16 The principal relevant policies are, in summary;
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 18: Infrastructure First
 - Policy 22: Flood Risk and Water Management
 - Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2 2019

- 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 26B: Scheduled Monuments and Archaeology: Archaeology
 - 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 33B: Repowering and Extending Existing Facilities
 - Policy 35: Electricity Transmission Infrastructure
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 41: Biodiversity

- Policy 51: Soils
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- 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

19 Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

Site History

- 20 [05/01911/FUL](#) Planning Permission for 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
- 21 [13/01036/FLL](#) Planning Permission for formation of a temporary works compound and topsoil storage area. Approved July 2013
- 22 [14/01758/FLL](#) Planning Permission for permanent retention of temporary access track constructed as part of Beauly-Denny overhead power line. Approved December 2014
- 23 [15/00470/FLL](#) Planning Permission for erection of substation control building, formation of access road and associated works. Approved June 2015
- 24 [16/01719/PN](#) Prior Notification for formation of a forestry track. Approved November 2016.
- 25 [17/01810/FLL](#) Planning Permission for formation of an energy storage facility, vehicular access, and associated works. Approved November 2017.
- 26 [20/00013/PAN](#) Proposal of Application Notice for formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping, and associated works. Approved February 2021.
- 27 [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.

- 28 [21/00020/PAN](#) Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works. Approved February 2022.

CONSULTATIONS

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

External

- 30 **Scottish Environment Protection Agency:** No objection following submission of additional information. Condition recommended regarding peat management.
- 31 **NatureScot:** No objection.
- 32 **Scottish Water:** No objection.
- 33 **Transport Scotland:** No objection, subject to planning conditions in respect of a Construction Traffic Management Plan (CTMP).
- 34 **Scottish Forestry:** No response.
- 35 **Braco and Greenloaning Community Council:** No response.

Internal

- 36 **Planning and Housing Strategy:** No objection, subject to condition.
- 37 **Community Greenspace:** No response.
- 38 **Transportation and Development:** No objection, subject to condition.
- 39 **Structures and Flooding (Structures):** No objection.
- 40 **Biodiversity/Tree Officer:** No objection following submission of additional information. A number of biodiversity maintenance and enhancement conditions are recommended.
- 41 **Environmental Health (Noise Odour):** No objection. Planning conditions are requested in respect of controlling noise levels and hours of construction operations.

Representations

42 None.

ADDITIONAL STATEMENTS

43

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none">• Ecological Appraisal• Habitat Assessment• Habitat Management Plan• Draft Peat Management Plan Carbon Assessment• Supporting Statement including Noise, Lighting, Transport, Heritage and Landscape and Visual Impact

APPRAISAL

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

Principle

45 National and Local Planning Policies support the shift from fossil-fuels to renewable and low carbon energy sources. The principal policy considerations are NPF4 Policy 11 Energy which supports all forms of renewable, low-carbon and zero emissions technologies including battery storage, Policy 11a (iii) refers. LDP Policy 33A supports new proposals subject to an assessment of individual and cumulative effects of developments on amongst other factors the natural and built heritage, the amenity of neighbouring uses and traffic generation. LDP

Policy 33B specifically encourages low carbon energy solutions where specific grid connection or the use of established infrastructure can occur.

- 46 The proposal is located on class 5 carbon rich soils. Policy consideration includes NPF4 Policy 5 which allows development proposals for essential infrastructure where there is a specific locational need and no other suitable site, and the generation of energy from renewable sources on valued soils and there is secure provision for restoration only. National policy aligns with LDP Policy 51: Soils.
- 47 Whilst the proposal is not itself categorised as a renewable energy generator, its role in enabling better and more efficient use of energy and renewable technologies is acknowledged. This approach accords with the above objectives, in terms of minimising the causes of climate change through assisting with the efficient use of the energy generation from renewables and enabling the temporary storage of surplus energy generated from a diverse range of technologies.
- 48 LDP2 Policy 33A implicitly supports the principle of energy storage as a means of assisting grid balancing, subject to several criteria. Relevant to this site are visual amenity, noise, and landscape impact. Overall, it is considered that the proposal will contribute towards meeting carbon reduction and renewable energy generation targets.
- 49 In terms of the specific locational need for an energy storage facility, it is accepted that available site locations are largely dependent on proximity to existing grid infrastructure. In this case the principal site selection reason is its proximity to the existing Braco West substation, which offers a nearby grid connection.
- 50 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required. Energy storage facilities such as that proposed could help reduce reliance on non-renewable resources, decreasing CO₂ emissions. The application supports the move to a greater reliance of renewable energy. There is an established need and site-specific reasoning for this essential infrastructure development to be positioned in this location.
- 51 In conclusion it is accepted that there is a specific, locational need for the proposed development due to the proximity to Braco West substation. This development addresses the objectives of NPF4 Policy 11 and LDP2 Policies 33 and 51 for development of this type to help make more efficient use of the energy generated by renewables.

Design and Layout

- 52 The proposed design and layout primarily reflect the physical and engineering requirements to deliver and service an energy storage facility of this scale. The specification of the development is consistent with industry standards and other approved battery storage sites in Perth and Kinross. In physical terms, the structures and engineered boundary treatment are primarily below 3m in height (with the exception of the control building roof which reaches a height of 4.99m to ridge). The resultant horizontal massing is therefore more significant than vertical impacts.
- 53 These visual impacts are further considered in the Landscape and Visual Amenity section below. Internally within the site, separation between each container is maintained for installation and maintenance purposes. The final detailing, colour and material finishes of the proposed infrastructure, including landscape boundary details are proposed to be controlled via conditions (Conditions 9 and 20). Subject to verification of this final detail, the proposed development is considered consistent with NPF4 Policy 14 and LDP2 Policy 1.

Landscape and Visual Amenity

- 54 There is no specific landscape policy in NPF4, however, Policy 4(a) states that development proposals which have an unacceptable impact on the natural environment will not be supported. In terms of the LDP2, Policies 1 and 39 require developments to contribute positively to the quality of the surrounding built and natural environment and to not conflict with maintaining and enhancing the landscape qualities of Perth and Kinross.
- 55 LDP2 Policy 39 also seeks to safeguard and enhance landscape character and green infrastructure. In this instance, the proposed design is largely set by technical requirements, type of equipment and infrastructure required for electricity storage. Given the rural landscape and location the visual impact of the proposal is largely minimal as it will be surrounded by a coniferous tree plantation and is less intrusive when compared to the adjacent substation.
- 56 In association, LDP2 Policy 1B requires consideration to be given to a proposal's visual impact and landscape setting. In terms of enhancement and mitigation, LDP2 Policy 40 supports planting of new trees and woodlands and new landscape planting around the perimeter of the site is proposed.
- 57 The visual impact during construction will be temporary and the proposed design, existing and proposed woodland planting is considered robust and appropriate mitigation for the resultant visual impact, subject to further conditional control (Condition 9) to secure the detailing and timing for delivery, satisfying the terms of NPF4 Policy 4 and LDP2 Policies 1 and 39.

Residential Amenity

- 58 In respect of residential amenity, NPF Policy 14 aligns with LDP2 Policy 55 which seeks to avoid proposals which result in lighting with obtrusive and/or intrusive effects. Additionally, NPF Policy 23 aligns with LDP2 Policy 56 which sets a presumption against siting of development proposals involving elevated levels of noise in the locality of existing or proposed noise sensitive land uses. The context sees the closest residential properties of Tamano and Bentick Farm over 1km south east of the proposed site.

Lighting

- 59 The applicant has confirmed within the Supporting Statement that there will be no permanent lighting within the site and that the only lighting will be motion-sensitive lighting at the entrances to the various buildings and storage units. They will also be downward facing to minimise light spillage. Environmental Health have no adverse comments on this aspect of the proposal and no condition has been requested. Therefore, the proposal is considered to comply with NPF4 Policy 14 and LDP2 Policy 55.

Noise

- 60 Within the applicants Supporting Statement it states that the proposed energy units will be acoustically enclosed to attenuate noise and meet the day and night-time requirements for the nearest residential properties. The potential noise emissions at the closest receptors of Tamano and Bentick Farm are over 1km away and given the distance and forest landscape/topography the predicted impact will not exceed any background levels. Operational vehicle movements will be limited to occasional maintenance visits. Environmental Health agree but recommend a standard noise condition is applied and is in line with similar applications in the area (Condition 7).
- 61 In terms of installation impact, this will be temporary. Environmental Health recommend construction works shall be limited to Monday to Friday 0700 hours to 1900hours and Saturday 0800 hours to 1300 hours with no noisy works out with these time or at any time on Sundays or bank holidays. (Condition 8).
- 62 Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and lighting impact on residential properties (Conditions 7 and 8). The proposal is therefore considered to comply with LDP2 Policies 55 and 56, with no unacceptable impact on the amenity of residential properties.

Roads and Access

- 63 NPF4 Policy 13 aligns with LDP2 Policy 60 which requires local road networks and accessibility requirements are sufficient and capable of absorbing traffic

generated by development, and also that satisfactory access is provided. Neither Transport Scotland nor PKC Transport Planning have raised concerns in relation to transport or access arrangements, either during construction or during operation.

- 64 It is recognised that the access route off the B8033 road to the proposed site and existing substation also provides access to five residential properties. The access route already serves the existing substation and, following installation of the battery storage facility, the traffic impact will be minimal.
- 65 Both Transport Scotland and Transport Planning recommend that construction traffic be controlled to ensure suitable arrangements and routes are in place (Conditions 4 and 5). Subject to compliance with these conditions, the impact on the residents that share the access road will be minimised. The proposals are considered to be in accordance with NPF4 Policy 13 and LDP2 Policy 60.

Drainage and Flooding

- 66 In respect of the flood risk and drainage, there are no flooding concerns identified within the site. The requirements for sufficient surface water and SUDs detailing can also be addressed in advance of development commencing (Condition 19). The proposals are therefore considered to satisfy NPF Policy 22 and LDP2 Policy 53.

Biodiversity and Woodland

- 67 NPF4 Policies 1, 3, 4 and 6 and LDP2 Policies 38, 40 and 41 are all relevant considerations in respect of potential biodiversity impacts or for identifying opportunities arising from the development. It is noted that the proposed development is on a recently felled commercial forestry plantation. Whilst we usually require compensatory planting for trees lost in development, it is important that no further tree planting takes place in the bog restoration area. Any tree restocking will impact the drainage and water availability to the site and the peatland restoration areas. NPF4 Policy 6 and LDP2 Policy 40 is therefore complied with.
- 68 NPF4 Policy 3 and LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. The applicant has submitted an Ecological Appraisal and Habitat Survey which have been assessed by the Councils Biodiversity/Tree Officer and ensure there will be no adverse impact on protected species and reptiles. A number of conditions have been recommended to ensure compliance with NPF4 Policy 3 and LDP2 Policy 41. (Conditions 12, 13, 15, 16, 17,18).

Soil and Peatland

- 69 NPF4 Policy 5 and LDP2 Policies 33A and 51 are relevant considerations in respect of protecting carbon rich soils, restoration of peatlands and to minimise disturbance of soils from development. Development is only permitted in certain circumstances. To address this policy full information on the peat must be provided. A draft peat management plan (PMP) has been provided as part of the submitted draft Construction and Environmental Management Plan (CEMP). This includes a peat survey.
- 70 The draft PMP outlines that the site is underlain by peat and peaty soils which are likely to have supported blanket bog habitat prior to being drained and subsequently planted for commercial forestry. The draft PMP outlines that the remaining peat within the site is shallow and degraded, and the peat depth survey of the site indicates that peat depths are between 0.5m and 1m across the majority of the site. The draft PMP identifies the extent of peat to be excavated as a result of construction work, and how the excavated peat will be reused within the site, namely in relation to the proposed bog restoration to the north of the site. Further detailed information – through a finalised PMP – should identify the finalised methods to be used to prevent or minimise the volumes of extracted peat during the construction process.
- 71 Carbon-rich soils are those with any surface organic (peaty or peat) layer. Peat in the Scottish soil classification is soil with more than 60% organic carbon and exceeding 50cm in thickness.
- 72 The proposed development is located on Class 5 soil (defined in the Carbon and Peatland 2016 Mapping) which has little or no hazard of erosion and is mainly used for pasture, forestland, and food for wildlife. In class 5 we are often looking at forested sites where the land has been subject to disturbance through drainage, furrowing, nutrient enrichment added at the time of tree planting and then subsequent drying out as trees mature and then, in this case, clear felling and replanting. Ecologically speaking the site may still be underlain with a carbon-rich soil and that could be classed as peat and may even be quite deep in parts but it's no longer functioning as an ecologically intact peatland habitat. Restoration to a functioning peatland may not be possible.
- 73 In terms of Classes 1 and 2 we are concerned with which would be considered to be of high conservation value and restoration potential. If we consider the **mitigation hierarchy** (referred to in NPF4 policy 5a (i)) avoidance, minimisation, restoration and offset. Just based on the mapping alone the proposal has avoided areas of peatland in Classes 1 and 2. Section 3.2 in the Applicant's Habitat Survey describes the Carbon and Peatland 2016 map being used to avoid Class 1 and 2 peatlands. The subsequent sections go on to describe the habitats found in the wider survey area. The habitats found on the construction site are '*other coniferous woodland*' (figure 5). Some wet heath is located just outwith the red line occupying an old forest ride. The site does not contain any

priority peatland habitats and with the influence of afforestation and subsequent forestry operations the site does not support peatland habitats.

- 74 NatureScot guidance on advising on peatlands specifies that if the proposed development avoids priority peatlands habitats but the soils are still carbon-rich or 'peat' then are they able to mitigate the impacts on this soil resource. NatureScot guidance suggests; -

Impacts on peatland can be reduced by:

- *conducting detailed habitat surveys and peat depth surveys;*
- *avoiding deeper peat and sensitive habitat;*
- *carefully planning drainage on the site and ensuring good maintenance of mitigation measures on site.*

- 75 Disturbance of carbon rich soils, as set out in LDP2 Policies 33A and 51 should be avoided. A Peat Survey and Draft Peat Management Plan have been submitted and assessed by the Council, SEPA and NatureScot. Probing the soil they have found depths of peat/carbon rich soil varying between 20 cm – 110 cm. So, some deeper peat soils will be impacted.

- 76 LDP2 Policy 51 also states that the Council is committed to ensuring that development avoids disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. Development will only be permitted on areas of carbon-rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development would outweigh any potential detrimental effect on the environment. Where exceptions allow for development that would disturb carbon rich soils, development should be informed by:

- an appropriate peat survey and management plan;
- any disturbance or excavation be minimised; and
- an assessment of the likely effects of the development on carbon dioxide emissions, and suitable mitigation measures implemented to
- minimise carbon emissions (with details of both submitted as part of the application);
- details setting out how the development could contribute towards local or strategic peatland habitat enhancement or restoration

- 77 In offsetting the loss of peat, LDP2 Policy 51 then requires development to implement appropriate peat management measures, adopt best practice when moving, storing, and reinstating peat and consider the opportunity to re-use peat necessarily excavated from the site. These requirements are proposed to be secured via Condition 14 to addresses restoration, decommissioning and a quantification of carbon loss and to demonstrate that the long term benefit will be a significant biodiversity enhancement.

- 78 Similarly, NPF4 Policy 5 intent is *'to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development'*. And Policy 5d indicates that where carbon-rich soils could be impacted assessments are needed, which in this case the Applicant has done. The habitats survey, the peat depth plan and their Draft Construction and Environmental Management Plan and Peat Management Plan include an assessment of peat and options for reuse of the peat which has been identified as bog restoration to the north of the site.
- 79 The remaining surplus peat (88m³) is proposed for use in ditch blocking and bog restoration within the area of recently felled plantation immediately to the north of the site. Surplus peat will be used to block existing drains within the area, in combination with sleeper dams and coir matting, to assist with the re-wetting of the area. Bog restoration is welcomed but restoration to a fully ecologically functioning bog could take a very long time, however, if the ground can be sufficiently re-wetted through blocking of drainage, as noted above, this does give a chance of sphagnum species re-establishing and it is these key species that, through time and their own very slow decomposition, form peat. Monitoring to check the restoration is being effective will be required. This, however, can be controlled through condition. The applicant should refer to established guidance on forest to bog restoration in preparing their detailed Peat Management Plan and CEMP (required under Conditions 11 and 14).
- 80 NPF4 does place more of a spotlight on soils and carbon-rich soils but across Scotland carbon-rich and peat soils can be found that no longer support the peat forming vegetation they used to, particularly true of afforested sites which can often be found on sites with underlying carbon-rich soils. Sites like these that do not support the peatland habitats anymore are not priority peatland habitats and are not nationally significant. It might be possible to restore them but it may take longer to do so given that the habitats and species associated with peat formation are no longer present.
- 81 The applicant has used the mitigation hierarchy in their approach and is proposing compensation. If the bog restoration is successful in rewetting some of the site to the north it is likely that this would offer a biodiversity benefit in diversifying the type of habitats found locally which currently is a coniferous forest with a very limited range of habitats. NPF4 Policy 5 and LDP2 Policies 33 and 51 have been satisfied.

Carbon Impact

- 82 The applicant has submitted a Peat Carbon Balance Assessment to inform the wider carbon balance of the development project. This has been assessed by the Council's Strategy and Policy team. The summary of this assessment outlines that the retention of all existing peat within the site, and the use of excavated peat to restoring an adjacent area of damaged peatland will result in a significant decrease in current carbon emissions from existing previously afforested peatland, and the proposed peatland restoration will deliver carbon sequestration

within the managed area. In terms of supporting local peatland habitat enhancement/restoration, it is noted that approximately half of the site is proposed for bog restoration.

- 83 The proposed construction of the project will lead to no net increase in carbon emissions. The retention of all existing peat within the site, and the use of excavated peat to restore an adjacent area of damaged peatland will result in a significant decrease in current carbon emissions from the existing previously afforested peatland. The proposed peatland restoration will deliver carbon capture within the managed area. The proposal complies with NPF4 Policy 5 and LDP Policy 51 as it will lead to peatland enhancement.

Health and Safety

- 84 National Grid advised that the access track crosses over their infrastructure. A condition is recommended to ensure that there will be no risk of damage and ensure compliance with NPF4 Policy 23 and LDP2 Policy 54 (Condition 6).

Waste Collection

- 85 There is minimal or no ongoing waste collection requirements anticipated post construction.

Developer Contributions

- 86 No developer contributions are required for this type of development.

Economic Impact

- 87 In the short term, construction will create jobs with scope for local employment. Beyond this, local employment opportunities will be limited. Holistically, however, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would directly support local renewable energy generation, by helping balance fluctuations of intermittent energy generation and more widely, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross Area.

Lifespan of Facility

- 88 Infrastructure developments of this nature tend to have a particularly long lifespan and consideration should be given to the long-term maintenance and eventual decommissioning of the proposal, including removal with site restoration when not viable or obsolete.
- 89 The lifespan of the facility has been proposed by the applicant to extend to 50 years. As such, a condition is proposed that places a simple requirement on the operator/landowner that the site will be decommissioned and re-instated at the

end of the 50 year period (Condition 3) and should the energy storage facility (as approved) not be in use for a continuous period of 12 months (Condition 21).

Financial Provision

- 90 Policy 33A(h) and NPF4 Policy 11(e), both of which note that financial implications are to be factored in when considering site restoration plans and to ensure these are financially safeguarded. NPF4 Policy 11(e) XII goes further and states that consideration needs to be given to measures in place to safeguard or guarantee availability of finances to effectively implement those plans. The Agent has confirmed that the applicant has a funded agreement with the landowner to restore the site, so restoration liabilities are covered, therefore, the submission of this information can be secured by condition (Conditions 25 and 26).

Decommissioning and Restoration

- 91 Both the LDP2 and NPF4 require appropriate reinstatement of the site to be undertaken. The submission indicates that the battery energy storage units and associated equipment will be removed from site and the site will be restored to blanket bog, mirroring the area to the north of the site which is to be restored to blanket bog throughout the construction phase of the development. A condition is recommended to ensure that full details of the restoration measures are submitted for the approval of the Planning Authority prior to the works being undertaken (Condition 23). Condition 22 will also ensure that the restoration is carried out in full within an appropriate timescale. These conditions are considered to meet the requirements of the LDP2 and NPF4 in terms of the restoration of the site.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 92 None required.

DIRECTION BY SCOTTISH MINISTERS

- 93 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

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

Development Plan. The proposal will directly contribute towards meeting carbon reduction and renewable energy generation targets.

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

RECOMMENDATION

Conditions and Reasons for Recommendation

General

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

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

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

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

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. Prior to the commencement of any development on site, the following shall be submitted to the Council as Planning Authority:
- a) Details of a bond or other financial instrument which will ensure that sufficient funds are available to meet the cost of implementing the removal of all development granted by this permission and the approved restoration scheme (relating to Conditions 23 and 24).
 - b) Confirmation by an independent Chartered Surveyor (whose appointment for this task has been approved by the Council as Planning Authority) that the amount of the bond or financial instrument is sufficient to meet the cost of 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.

26. 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.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. 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. 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. 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.

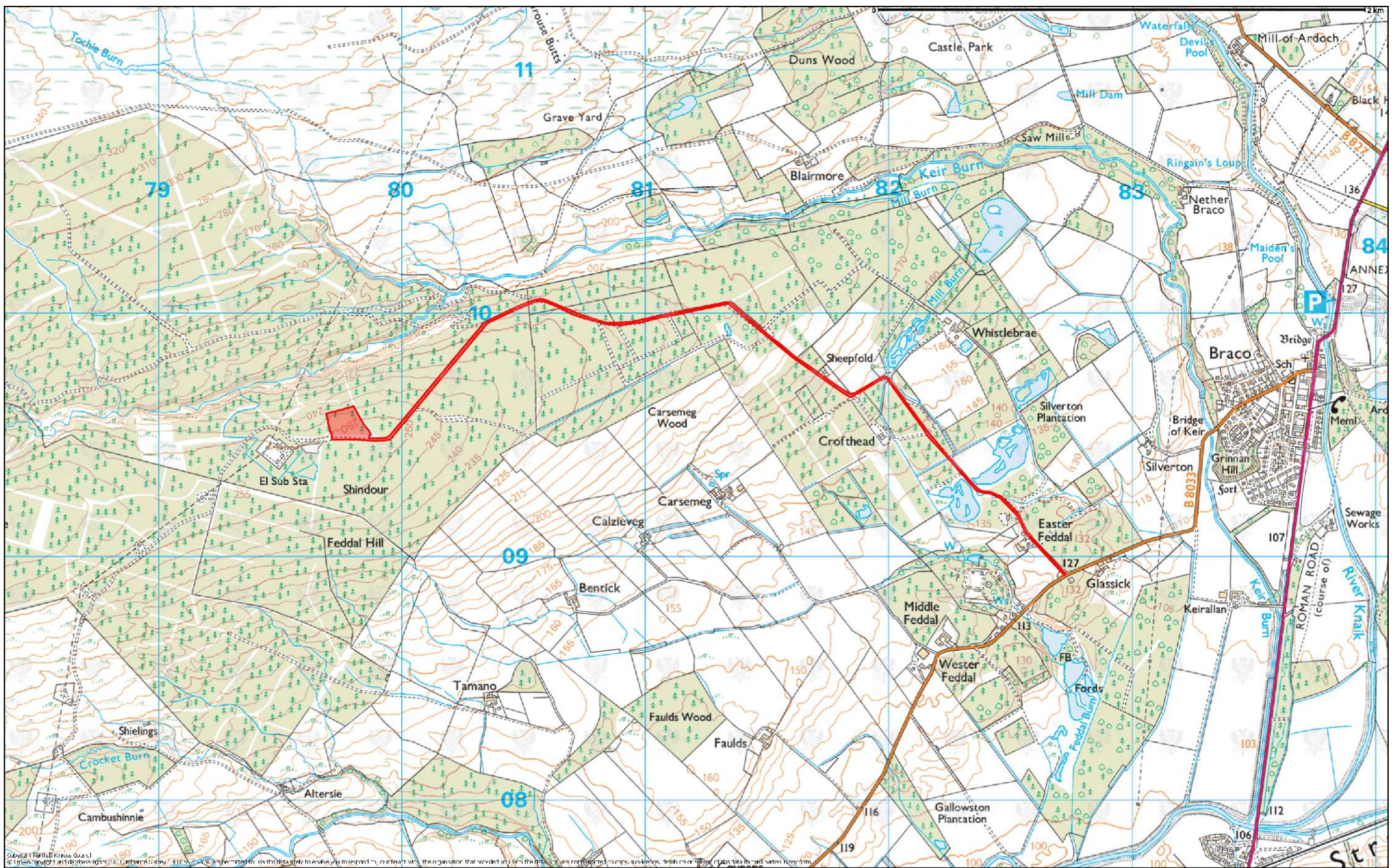
Background Papers: No letters of representation.
Contact Officer: Gillian Peebles
Date: 29 September 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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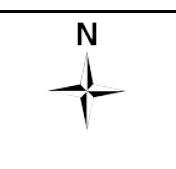
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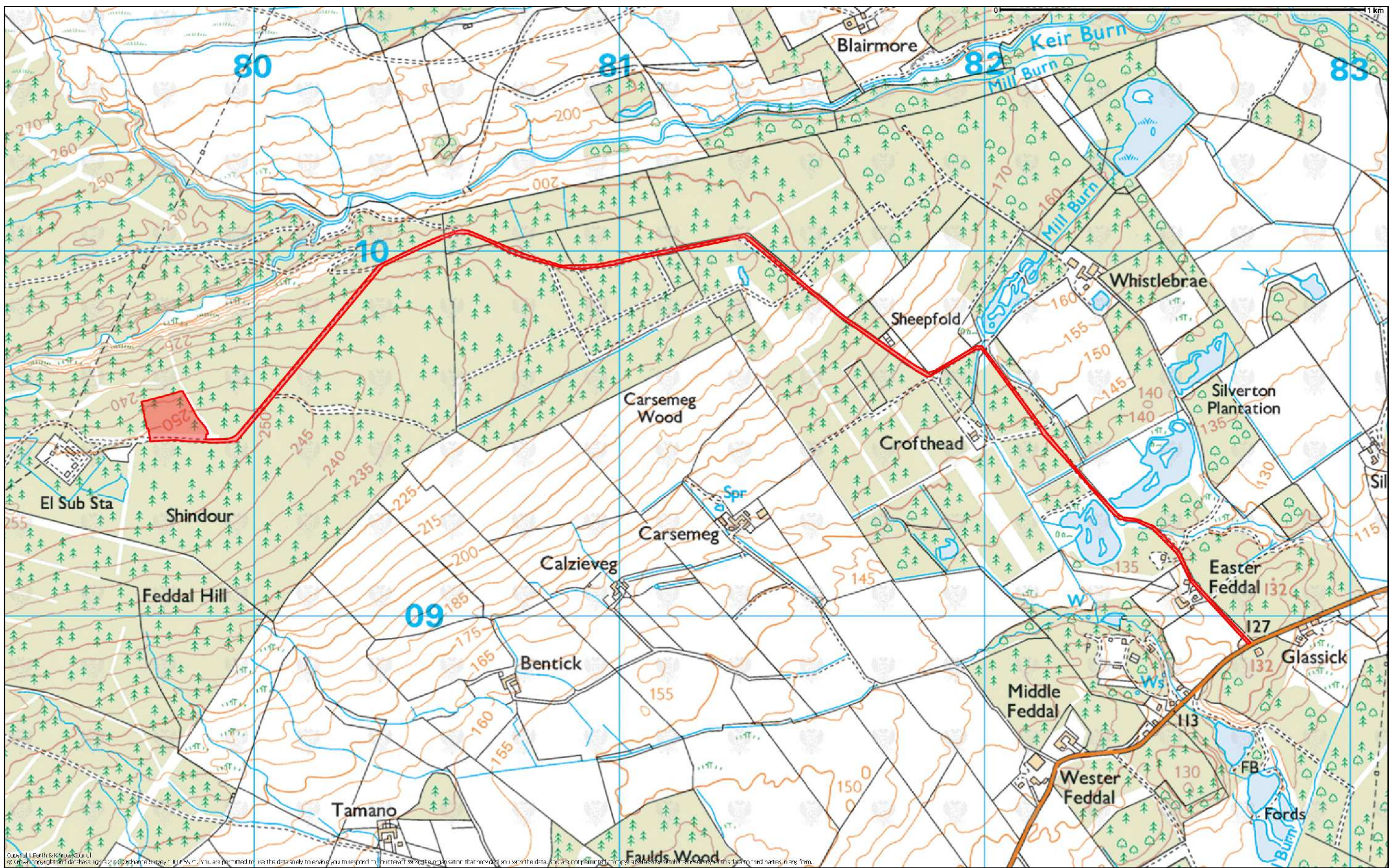
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Planning and Placemaking Committee - 11 October 2023
Scale 1:15000



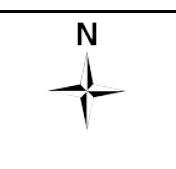
22/02231/FLM
Formation of a 49.99MW battery energy storage compound comprising battery storage units, ancillary buildings and equipment, bogland restoration, landscaping and associated works Shindour Feddal Hill Wood, Braco





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Planning and Placemaking Committee - 11 October 2023
Scale 1:10000



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



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/272)

PROPOSAL:	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
LOCATION:	Land north east of Causeway Cottage, Scotlandwell, Kinross, KY13 9JQ

Ref. No: 23/01044/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 The application is for 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 at land northeast of Causeway Cottage.
- 2 The site forms part of the wider curtilage of Causeway Cottage and is accessed directly from the public road. The larger site within the applicant's ownership is bounded by the Portmoak Airfield (also known as the Scottish Gliding Centre) to the west and south, by the B920 to the east, and by farmland to the north. The site contains an operational cattery, stables, furniture restoration and visitor accommodation use. The applicant's house is also within the building grouping.
- 3 The planning application is to provide additional accommodation to consolidate and expand the existing rural business allowing for growth of the furniture recycling restoration upcycling operation and some related diversification in the sale of restored furniture and related products.
- 4 The proposal is for a portacabin style structure directly adjacent to the existing building grouping with this building being utilised as a workshop for the restoration of furniture and related products. This in turn will free up space within the existing adjacent storage workshop building in order to allow both furniture

restoration to be carried out in part of this area the rear section and also to facilitate the display of restored furniture and related products for sale, including products used in the restoration upcycling process the display sales area. The application is in part retrospect as works have commenced on site.

Pre-Application Consultation

- 5 Pre application Reference: No pre-application enquiry.
- 6 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 not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 28: Retail
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2

- 11 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.

12 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

13 Non-Statutory Guidance.

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

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

Creating Places 2013

16 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

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

Site History

- 18 [09/00936/FLL](#) Full Planning Permission was Approved On 18 July 2014 for Erection of a dwellinghouse.
- 19 [11/00588/FLL](#) Full Planning Permission application was Withdrawn On 10 February 2014 for Site temporary static caravan (in retrospect).
- 20 [12/01935/FLL](#) Full Planning Permission was Approved On 18 July 2014 for Alterations to stable block.
- 21 [13/01312/FLL](#) Full Planning Permission was Approved On 18 July 2014 for Extension to cattery and office.
- 22 [15/00464/FLL](#) Modification of permission 09/00936/FLL (erection of dwellinghouse) change of house type | Former Causeway Cottage Scotlandwell.
- 23 [18/01125/FLL](#) Full Planning Permission was Approved On 16 August 2018 for Erection of a workshop, a garage and extension to stable (in part retrospect).
- 24 [21/01531/FLL](#) Full Planning Permission was Approved On 22 December 2021 for Change of use of workshop to holiday accommodation unit.
- 25 [23/00867/ADV](#) Advertisement Consent was Approved On 18 July 2023 for Display of sign (in retrospect).

CONSULTATIONS

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

External

Portmoak Community Council

- 27 Objection to proposal on the following grounds; style, materials, roof pitch and overall appearance inappropriate, not quality design, not in keeping with surroundings and inappropriate structure which appears permanent.
- 28 Overall the CC wishes to state that they support and endorse rural business diversification and enterprise but for the reasons noted cannot support this development.

(Portmoak) Scottish Gliding Centre

29 No response within time.

Internal

Structures And Flooding

30 No drainage or flood risks.

Transportation And Development

31 No objection existing arrangements acceptable.

Environmental Health (Contaminated Land)

32 A search of the historic records did not raise any concerns regarding ground contamination.

Environmental Health (Noise Odour)

33 No objection, standard conditions recommended in relation to noise and hours of operation.

Commercial Waste Team

34 No objection existing waste arrangements acceptable.

Development Contributions Officer

35 No contributions required.

Representations

36 1 representation was received from the community council issues summarised above in consultee section.

ADDITIONAL STATEMENTS

37

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

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

39 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

40 The proposal is to supplement an existing business therefore Policy 8 Rural Business and Diversification of LDP2 and Policy 29 Rural Development of NPF4 are directly applicable. These policies seek to support the expansion of existing businesses in rural areas.

41 There are a number of applicable criteria within both of these policies which include that proposals shall contribute to the local economy, shall not suburbanise a rural area or encourage unsustainable travel patterns, shall not detrimentally impact residential amenity, can be accommodated within the landscape capacity, meets a specific need by virtue of its location in relation to existing business, is of high quality design and that the road network can accommodate the development.

42 The applicant has been operating a cattery business at this location since 2006 with expansion approved in 2013, has been resident on site since 1997, and has also diversified her rural enterprise in the last 10 years to include the recycling restoration upcycling of furniture for reuse sale, additional stables, and the provision of visitor accommodation. This proposal will expand the second-hand furniture business.

43 The proposal expands an existing building so the development is acceptable in principle and for further reasons detailed in subsequent sections the proposal is considered to comply with policy.

44 In terms of retail element of the proposal the small scale of this development is not considered to generate any significant footfall therefore the proposal does not raise any conflict in relation to Policy 13 Retail and Commercial Leisure Proposals. NPF4 Policy 28 Retail seeks to encourage retail investment and supports this through town centre first principles. There are some exceptions for small scale and rural retail, and this proposal would be deemed to accord with those in respect if it relating to shops ancillary to other uses, where the proposal

serve local needs, whilst avoiding impacts on nearby town and commercial centres. The proposal is for an ancillary retail element covering 90sqm for the sale of upcycled furniture which will take place in the workshop and could be restricted by condition to limit the retail space and the sale of upcycled furniture only, hence the support given in this instance

- 45 The proposal therefore complies with the rural business policies of both LDP2 and NPF4 as a compatible and appropriately scaled diversification of the existing onsite business, and incorporates retail of a scale which would be appropriate in the rural area.

Design and Layout

- 46 The proposal is to change of use of an existing storage shed to form a retail shop and part workshop at rear for the renovation restoration upcycling, display and sales of furniture. A further building which is portacabin style has been sited to the east of the storage shed to accommodate the main restoration workshop. The workshop unit is currently under construction and this application is in part retrospect.
- 47 The unit is not complete with exposed timber frame and no cladding; therefore it may be difficult to perceive the compatibility with the existing form of development. The building has a simple rectangular floor plan with a low sloping mono pitch roof and deep overhang. The building is no longer or higher than the large storage shed which it sits in front of. The finishes will be timber cladding and profiled sheet roof.
- 48 In terms of the compatibility of the design, form and finish it is noted that the existing building group does not contain historic or traditional buildings and is set back a distance of 90m from the public road. The siting of the proposed building sits in front of a larger scale corrugated agricultural shed. The finish materials are a material palette which matches/complements existing buildings in the group the material finish also allows the building to blend into the background.
- 49 The building is more functional in design but it is not considered to be incompatible with the existing development on site and is not considered to have a wider detrimental impact on the visual amenity of the area as the site is low lying and well contained.
- 50 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 51 The closest residential property out with the applicant's ownership is Red House which is approximately 95 metres to the east of the of proposed new workshop building.

- 52 Environmental Health confirm that they have not had any complaints with regards to noise from the existing Causeway Creations, furniture restoration business, which is being undertaken within the existing storage building at present, or from the cattery and the holiday accommodation adjacent to this site and are also within the applicant's ownership.
- 53 The hours of operations for Causeway Creations at present are Monday to Sunday 10.00 to 17.00hours. It is therefore considered that the expansion of the business, if managed as it is as existing and with the addition of conditions to control noise and operating would not detrimentally impact residential amenity.
- 54 The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Access

- 55 The vehicle access to the public road network for the site will be via the existing vehicle access to the cottage off the B920.
- 56 Parking will be provided on site for an additional five vehicles to support the planned furniture restoration business.
- 57 As such, the current proposal is acceptable in terms of roads and access, and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 58 The development sits out with river and surface water flooding risk areas as shown on SEPA flood maps.
- 59 There are no new drainage proposals, and no new drainage infrastructure is required.

Waste Collection

- 60 The waste collection is a road end service. The existing collection point and bins on site will be sufficient for this proposal.

Developer Contributions

- 61 The proposal does not require any developer contributions.

Economic Impact

- 62 The expansion of the existing business will contribute positively to the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

- 63 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 64 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 65 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

- 66 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory supplementary guidance. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 67 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. 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.

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. 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.

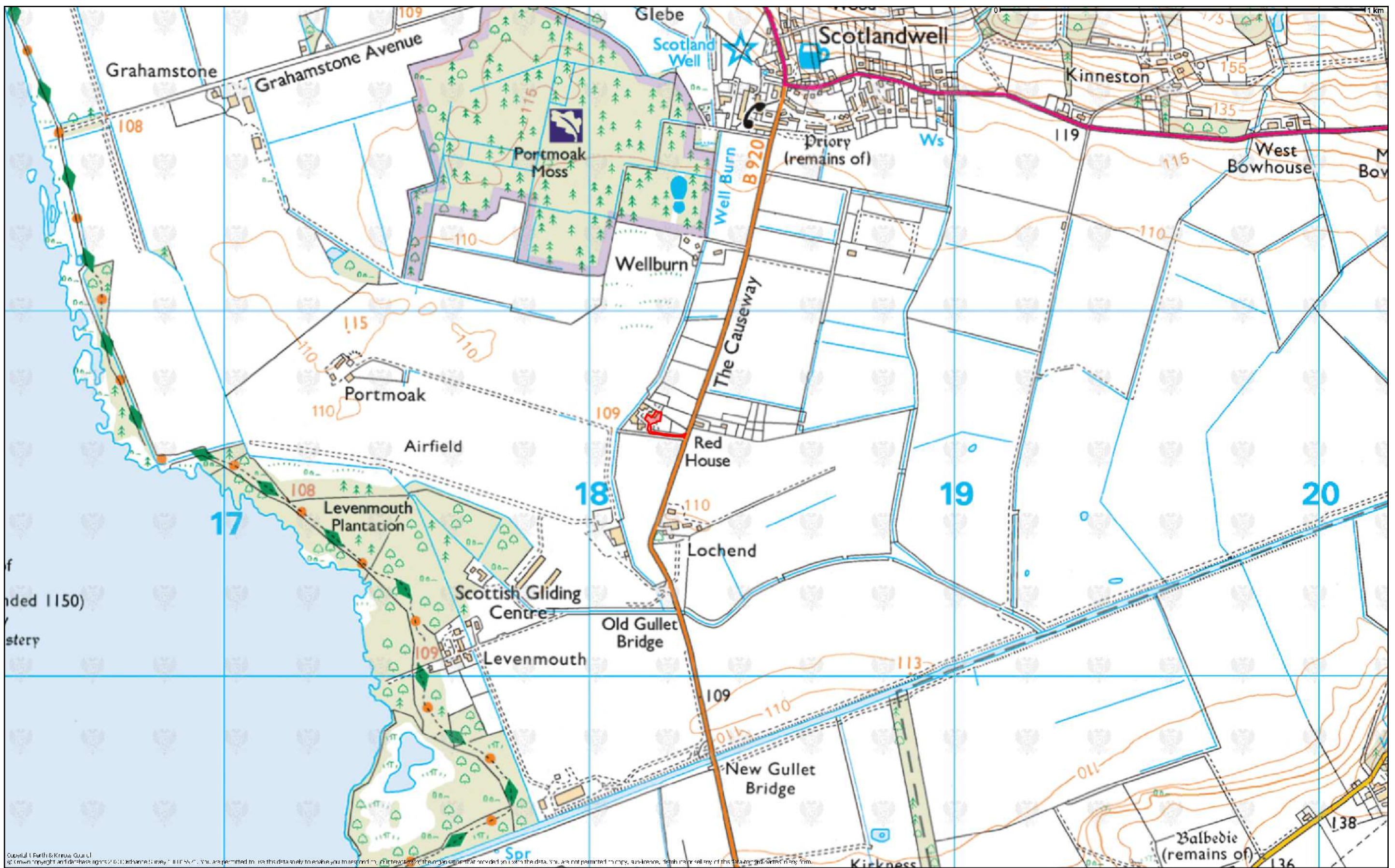
Background Papers: 1 letter of representation
Date: 29th September 2023

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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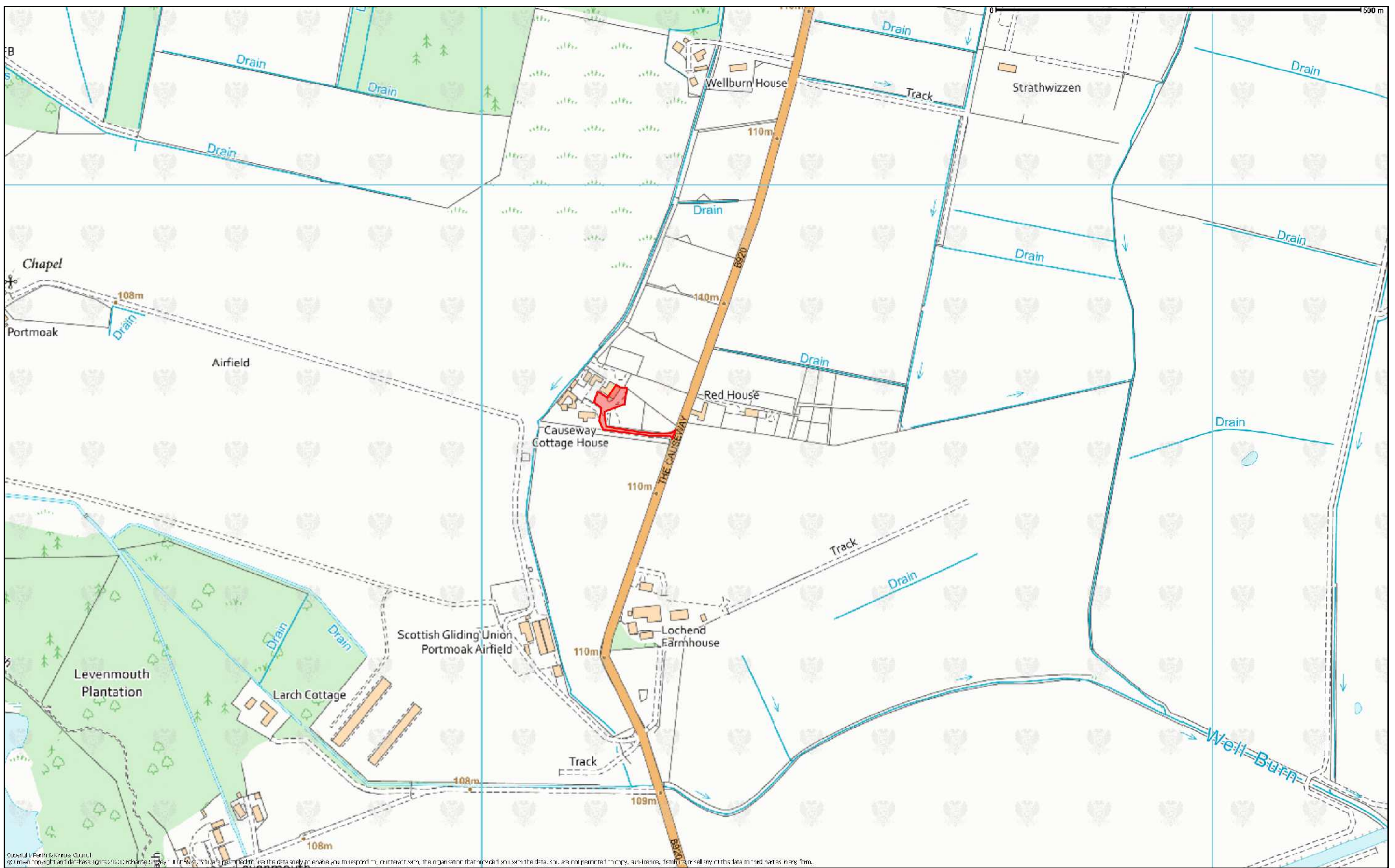
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Planning and Placemaking Committee - 11 October 2023
 Scale 1:10000



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 at Land 45 Metres North-East Of Causeway Cottage Scotlandwell Kinross KY13 9JQ





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Planning and Placemaking Committee - 11 October 2023
 Scale 1:5000



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 at Land 45 Metres North-East Of Causeway Cottage Scotlandwell Kinross KY13 9JQ



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/273)

PROPOSAL:	Erection of a dwellinghouse (in principle)
LOCATION:	Land 75 metres North West of Mullmac, Saucher, Kinrossie, Perth, PH2 6HY

Ref. No: [23/01262/IPL](#)

Ward No: P2 – Strathmore

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 Planning permission in principle is sought for the erection of a dwellinghouse and formation of a new access within a small hamlet called Saucher which is located approximately 9.5 miles to the north east of Perth, a short distance from the A94. There are approximately 14 dwellings within the hamlet set around a square green. The application site is located in the north east corner of the hamlet and extends to 0.27 hectares. The application site is rectangular and an indicative site plan has been submitted showing the possible position of a dwelling in the southern corner. Access is proposed to be taken from the public road to the east partly utilising an existing access which serves properties within the group.
- 2 This is a follow up application following the refusal of a previous application on a similar site but which sought to utilise an alternative new access track which was located outwith and along the edge of the building group (ref: [23/00923/IPL](#)).

Pre-Application Consultation

- 3 Pre application Reference: 23/00047/PREAPL
- 4 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 not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 6 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 7 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes
 - Policy 17: Rural Homes
 - Policy 22: Flood Risk and Water Management
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2 – Adopted November 2019

- 9 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 The principal policies are:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 19: Housing in the Countryside
 - 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 51: Soils
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

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

NATIONAL GUIDANCE

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

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 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport

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.

Designing Streets 2010

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

National Roads Development Guide 2014

- 15 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.

Site History

- 16 [23/00923/IPL](#) was refused On 19 July 2023 for Erection of a dwellinghouse (in principle).

CONSULTATIONS

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

External

- 18 Scottish Water – no objection.

Internal

- 19 Transportation And Development – no objection.
20 Biodiversity/Tree Officer – no comments.
21 Development Contributions Officer – condition recommended.

Representations

- 22 8 representations were received. The main issues raised within the representations are:

- Impact on farming operations
- Loss of prime agricultural land
- Inappropriate land use which is out of character with area

- Inappropriate housing density
- Lack of car parking and impact on road safety / character
- Lack of sewage capacity
- Light pollution
- Loss of open space
- Loss of sunlight or daylight
- Loss of trees and ecological impact
- Noise Pollution including during construction
- Overlooking
- Flood risk
- Contrary to Development Plan
- Land ownership
- Maintenance of private road

23 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

24

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Not Required

APPRAISAL

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

Principle

26 In policy 19 - Housing in the Countryside of the Perth and Kinross Local Development Plan 2019 (LDP2), 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 six identified categories will be supported. This is also referenced in the recently adopted National Planning Framework 4 (NPF4) where Policy 9 states that greenfield sites will be supported where there are explicitly supported by LDP policies.

- 27 Policy 17 of NPF4 is also relevant and seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations and provides criteria in which proposals for new rural homes will be accepted.

The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- 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

- 28 The proposal does not meet any the criteria for categories 2-6 of the SG, however the proposed site is considered to be within a building group and therefore the criteria within category 1 requires to be considered.

- 29 Category 1 states that development will be granted for houses within building groups provided it can be demonstrated that:

- New housing will respect the character, scale and form of the existing group and will be integrated into the existing layout and building pattern.
- New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- A high standard of residential amenity will be provided for both existing and new housing.

- 30 In this instance the proposed position of the dwelling is considered to be located within the existing building group, being adjacent to two existing dwellings and the indicative layout which has been provided demonstrates that there is scope for the dwelling to relate successfully to the character, layout and building pattern of the group provided it is appropriately sited and appropriate landscaping is provided as per the submitted indicative drawings. The proposed house, in principle, is therefore considered to accord with the criteria within category 1 of the SG.

- 31 The previous refusal identified the position of the access, running along the edge of and out with the building group, as a concern. It was concluded that the introduction of a new access extending approximately 70 metres along the edge

and out with the well defined building group failed to respect the existing layout and building pattern of the group contrary to placemaking policies of the LDP2 in that it failed to reinforce the street scene and open space of the grouping. The building group is well nucleated and is served by an existing access which contributes to the character and building pattern of the grouping. The introduction of a new access as part of that previous proposal was considered to completely alter the established character of the grouping and failed to relate to the building pattern of the group, contrary to Placemaking Policies 1A and 1B(d) of the LDP2 and Policy 14(b) of NPF4 which requires accesses to reinforce the existing street scene and development overall to contribute positively to the quality of the surrounding built and natural environment. In the Report of Handling for the previous refusal it was made clear that should alternative access arrangement be proposed which seeks to utilise the existing access which serves the grouping then the proposal would be looked upon more favourably.

- 32 The proposal now omits the previously proposed new access and instead seeks to utilise the existing access which serves the wider building group. The existing access is located between Pathways and Kanrosmar to the north east and a row of terraced cottages to the south west which front onto the village green. The proposal indicates that there is sufficient space between the Kanrosmar and Pathways to then provide a driveway access from the existing access track into the site. Given the revised access arrangements which now sees the existing access within the building group being used the proposal is now considered to respect the building pattern and character of the grouping and is therefore considered to comply with Policies 1A and B of the LDP2 and 14(b) of NPF4.

Design and Layout

- 33 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2 which relate to placemaking and Policy 14 of NPF4 which seeks to deliver well designed development. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Furthermore, the siting criteria outlined within the Housing in the Countryside Supplementary Guidance is also relevant. Policy 4(a) of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 34 The indicative site layout demonstrates that there is scope to accommodate a dwelling on this site whilst respecting the character of the area. The indicative site plan showing the position of the dwelling along with associated planting demonstrates that the house will essentially fill a gap between Pathways and Kanrosmar and respect the established building line created by both of these properties. As outlined above the concerns regarding the access have now been addressed. A condition is recommended to ensure that any forthcoming detailed application accords with the submitted indicative layout. It is noted that the site extends into an open field but the indicative layout which has been provided demonstrates the provision of additional planting and landscaping to form a

defined edge to the site which follows the plot boundaries of the adjacent dwellings.

- 35 As this is an application in principle no detailed design or scale of dwelling has been submitted at this stage and this matter can be further considered at the detailed submission stage. Given the indicative site plan site outlined above and its relationship to the existing building group and the existing and proposed landscaping on the site the development of a dwelling, subject to an appropriate design and scale together with additional planting, will not have a detrimental impact on the visual amenity or landscape character of the area. The detailed design can be considered further should a detailed application be made. The principle is therefore considered to comply with the above policy requirements.

Residential Amenity

- 36 The site is of sufficient scale and there is an opportunity to position any dwelling in a location which ensures that the neighbouring properties are not overlooked. Furthermore, boundary planting to provide some screening and containment for the site could be secured by condition at detailed stage should any permission be granted. As this application is only in principle there is no opportunity to assess this in detail, at this stage, however this can be assessed when a detailed application is received should any permission be granted. It is noted that the site is elevated above the site to the south west (Pathways) and this would mean that the orientation and scale of the dwelling would require to be carefully considered to ensure it does not impact on the amenity of the neighbour. It is considered that there is scope to do so but this would be considered through any detailed application. Window position and boundary treatments would require to be carefully considered and would require to be orientated to the north west and north east to avoid overlooking neighbours. Furthermore, the scale and height of the dwelling would require to be limited to ensure it does not result in overshadowing to the neighbours.
- 37 The orientation of the house and height, together with the window positions will be an important consideration in the detailed application. Overall, this issue can be addressed at the detailed application stage.
- 38 Furthermore, as the access is now revised the concerns regarding the previously proposed new access and the issues of Kanrosmar and Mullmac being sandwiched between two accesses have now been addressed with this revised proposal.
- 39 The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Traffic

- 40 The site is capable of being safely accessed from the public road and the detailed development will be subject to a further detailed application which will require to

comply with the LDP2 and National Roads Development Guide in terms of parking provision, turning facilities, road safety and access. Transportation and Development have been consulted on the application and following clarity from the agent on the ability of the access to be delivered have offered no objections. Letters of representation identified concerns with the ability of the site to be accessed and the use of land in separate ownership to provide access into the site. The agent has been asked to clarify this and has advised that the applicant has recently undertaken a mapping exercise to confirm their title and confirmed that there is sufficient space within the client's ownership between Pathways and Kanrosmar (4.83m) to incorporate a site access from the existing road network.

- 41 It is noted that part of the access may be used for agricultural operations currently. If this is the case an agreement would require to be reached between the farm and developer regarding this issue. This is considered to be a private civil matter and not material to the assessment of this application.

Drainage

- 42 The application form indicates that the site is to connect to be served by a private drainage system with surface water system catered for through a SUDS system. This is in accordance with Policy 53B and C of the LD2 and Policy 22 of NPF4. The proposal for a sustainable urban drainage system is considered to be sufficient to cater for surface water drainage at the site. The specific location of the drainage system will require to be indicated in the detailed application and its location relative to neighbours. The letters of representation indicate that there may be capacity constraints with the existing village septic tank. This could potentially be resolved through provision of a new private system serving the dwelling and could be considered further should a detailed application be submitted. Any impact on any existing drainage connection/network for the grouping, including the access being located on top of an existing septic tank would be a civil matter between the developer and neighbours and not a material planning consideration. It would be for the developer to resolve this issue. The agent has confirmed that the applicant is aware of these issues.

Flood Risk

- 43 The site is not considered to be at risk from flooding according to SEPA's flood maps.

Developer Contributions

- 44 As this application is only in principle it is not possible to determine whether the local school is at capacity. However, to cover this aspect a condition is recommended to ensure the Council's Developer Contributions Policy and Supplementary Guidance is adhered to should any detailed application be forthcoming.

Ecology

- 45 The existing trees may be habitat to protected species and therefore Policy 41 of LDP2 applies which requires the protection of all wildlife and wildlife habitats and ecological assessments to be undertaken to understand the extent of impact. Policy 3(a) Biodiversity of NPF4 seeks to protect but also enhance bio diversity on a site. Policy 40 of the LDP2 is also applicable which requires tree surveys to be prepared.
- 46 On that basis a detailed ecology survey is required and this can be ensured through a condition to ensure it is submitted as part of a detailed submission. Furthermore, a condition is recommended to ensure none of the trees on site are felled at this time as no information has been submitted in relation to the potential impact on protected species from the tree felling. All of these matters can be considered should a detailed application be made. This will ensure that protected species are identified, and appropriate mitigation provided including timing of works to ensure compliance with Policy 41 of the LDP2 and Policy 3 of NPF4 and the protection of any identified protected species.

Trees

- 47 The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and 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. This is outlined within Policy 40B of the LDP2 and NPF4 Policy 6(a). The proposal does not indicate any intention to fell trees and mentions that the trees on the north west boundary would be retained. A condition is recommended to ensure the retention of these trees. The conditions will also ensure that the development layout accords with that indicate in the indicative plan which ensures development is remote from the existing trees. On that basis it is not considered to be necessary to seek a tree survey as part of the detailed application.

Construction Noise

- 48 Whilst it is appreciated that there would be disturbance associated with construction operations this would be for a temporary period and is not considered to have any significant weighting in this determination.

Prime Agricultural Land

- 49 The site is identified as level 3.1 in terms of the soils classification for agriculture: "Land capable of producing consistently high yields of a narrow range of crops or moderate yields of a wider range of crops". The area of land which would be lost is considered to be limited and would not occupy a significant level of the existing agricultural fields. The proposal is therefore not considered to have a significant impact on the availability of agricultural land in the area and therefore meets the requirements of Policy 5 of NPF4.

Maintenance of Private Access

- 50 The letters of representation raise concerns about the condition of the private access, the presence of potholes and the possibility of additional traffic exacerbating the poor condition.
- 51 There are a number pot holes and Transportation and Development have offered no objections to its use to serve the site. No upgrade is recommended to serve a single dwelling. There will however, be responsibility for any future owner of the site to contribute towards maintenance of the track. This matter is a private civil issue which will require to be agreed between users of the track. The maintenance of the track during construction periods will also be a private matter between the parties involved and not something which planning legislation can dictate.

Neighbour Notification

- 52 Having reviewed the neighbour notification undertaken, it has been undertaken in accordance with the current legislative requirements. Furthermore, the application has also been advertised in accordance with the regulations.

Economic Impact

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 54 None required.

DIRECTION BY SCOTTISH MINISTERS

- 55 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

- 56 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory supplementary guidance. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 57 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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.

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 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.

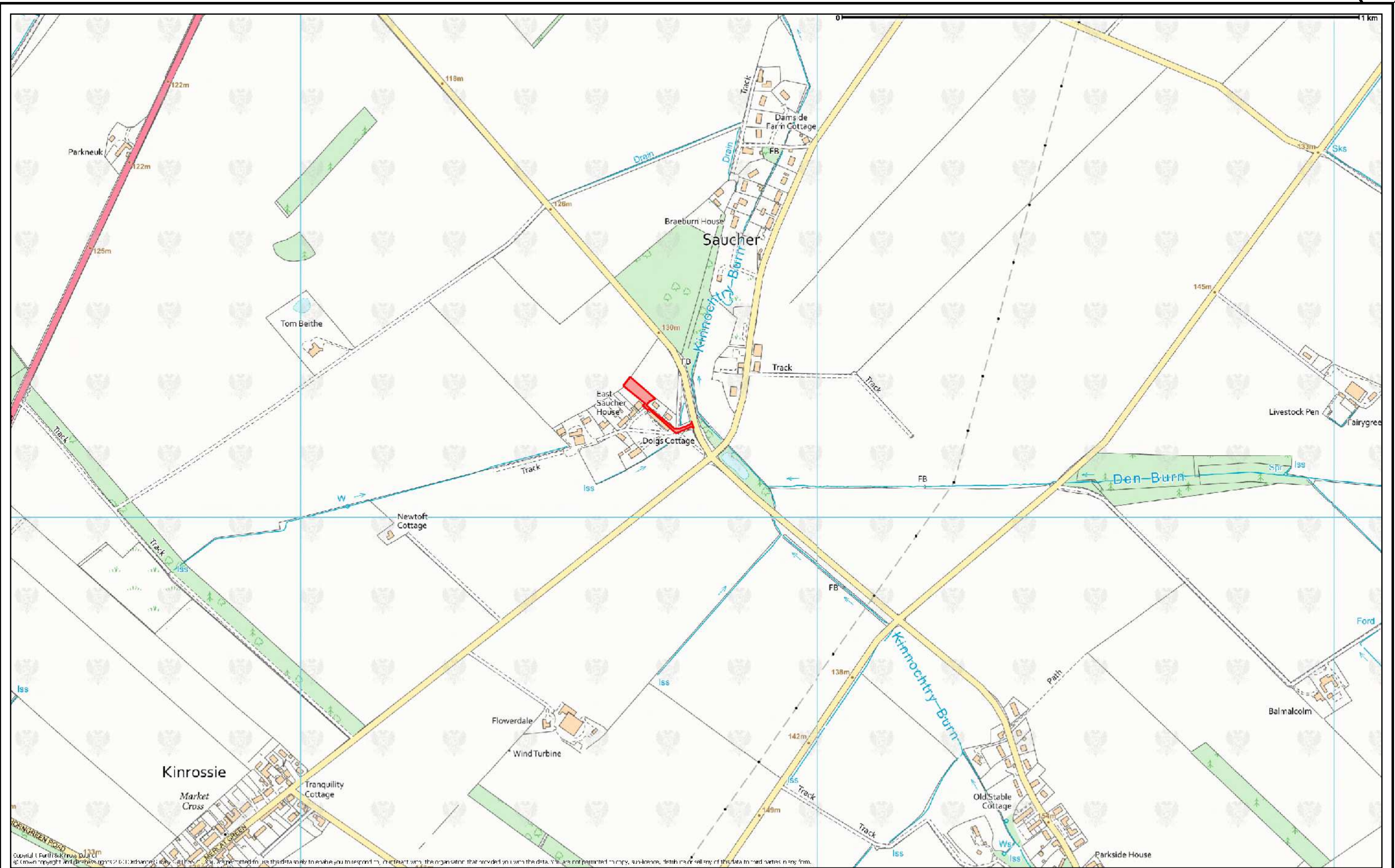
Background Papers: 8 letters of representation
Date: 29 September 2023

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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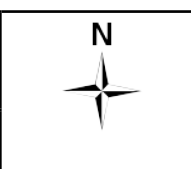
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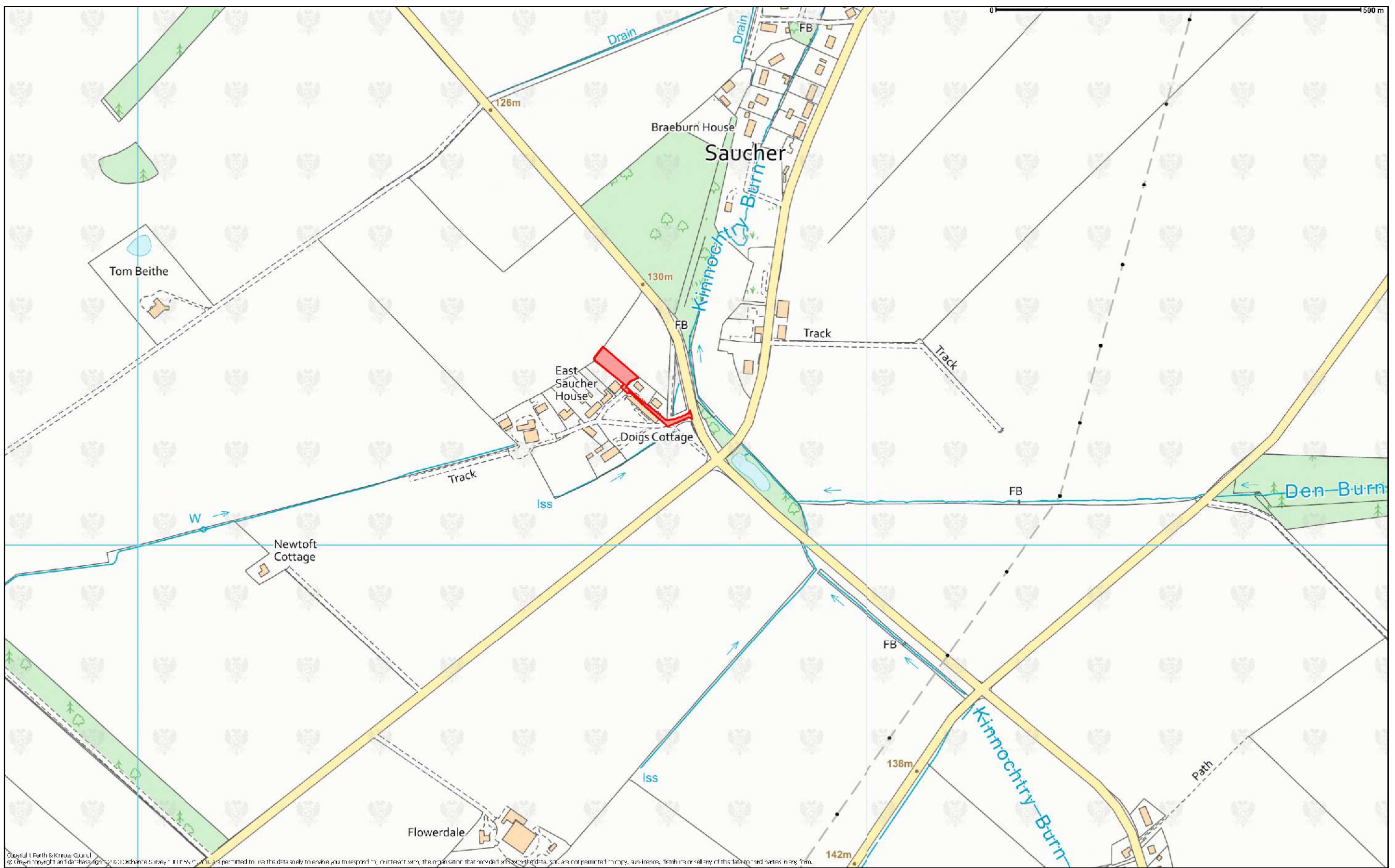
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Planning and Placemaking Committee - 11 October 2023
 Scale 1:7000



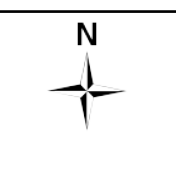
23/01262/IPL
 Erection of a dwellinghouse (in principle) Land 75 Metres North-West of Mullmac, Saucher, Kinrossie, Perth, PH2 6HY





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Planning and Placemaking Committee - 11 October 2023
Scale 1:5000



23/01262/IPL
Erection of a dwellinghouse (in principle) Land 75 Metres North-West of Mullmac, Saucher, Kinrossie, Perth, PH2 6HY



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Pre-Application Report by Head of Planning and Development
 (Report No. 23/274)

PROPOSAL:	Formation of 49.9MW battery energy storage facility, formation of access and associated works
LOCATION:	Land 400 metres South East of Endrigg, Jamesfield, Newburgh, Cupar, KY14 6EW

Ref. No: 23/00011/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 formation of 49.9MW battery energy storage facility, formation of access and associated works on land 400 Metres South East of Endrigg, Jamesfield, Newburgh, Cupar, KY14 6EW. 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 applicants submitted a Proposal of Application Notice (PoAN) on 24 July 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for the formation of 49.9MW battery energy storage facility, formation of access and associated works on land 400 Metres South East of Endrigg, Jamesfield, Newburgh, Cupar, KY14 6EW.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application. This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant. It is noted that screening opinion has already been provided, reference 22/02120/SCRN, and is not subject of an EIA development.

PRE-APPLICATION PROCESS

4. The PoAN (reference **23/00011/PAN**) confirmed that a public exhibition will be held at Williamson Hall, Kirk Wynd, Abernethy, PH2 9JD on 4 August between 4pm and 7pm and a second event will be held on 18 August between 4pm and 7pm. The Ward Councillors and Abernethy and District Community Council have 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.

DEVELOPMENT PLAN

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

National Planning Framework 4

6. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
7. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 18: Infrastructure First
 - Policy 22: Flood Risk and Water Management
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2019

9. 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.

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 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 32: Renewable and Low-Carbon Energy
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

OTHER POLICIES

10. The following non statutory guidance and documents are of particular importance in the assessment of this application:-
 - [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
 - [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
 - [Supplementary Guidance - Landscape](#) (adopted in 2020)
 - [Supplementary Guidance - Placemaking](#) (adopted in 2020)
 - [Planning Guidance - Planning & Biodiversity](#)
 - [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
 - Perth and Kinross Community Plan 2013/2023
 - Perth and Kinross Local Transport Strategy (2010)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 1 /2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

PLANNING SITE HISTORY

13. None.

CONSULTATIONS

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

External

- Scottish Environment Protection Agency
- NatureScot
- Perth and Kinross Heritage Trust
- Abernethy and District Community Council

Internal

- Environmental Health - Noise and Odour
- Environmental Health – Contaminated Land
- Environmental Health - Private Water Supply
- Development Contributions Officer
- Transportation and Development
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

15. The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses

- d. Natural Heritage and Ecology
- e. Landscape
- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

16. Should an EIA Report not be required 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
 - Archaeological Assessment
 - Sustainability Assessment
 - Noise Impact Assessment
 - Construction Traffic Management Plan (CTMP)

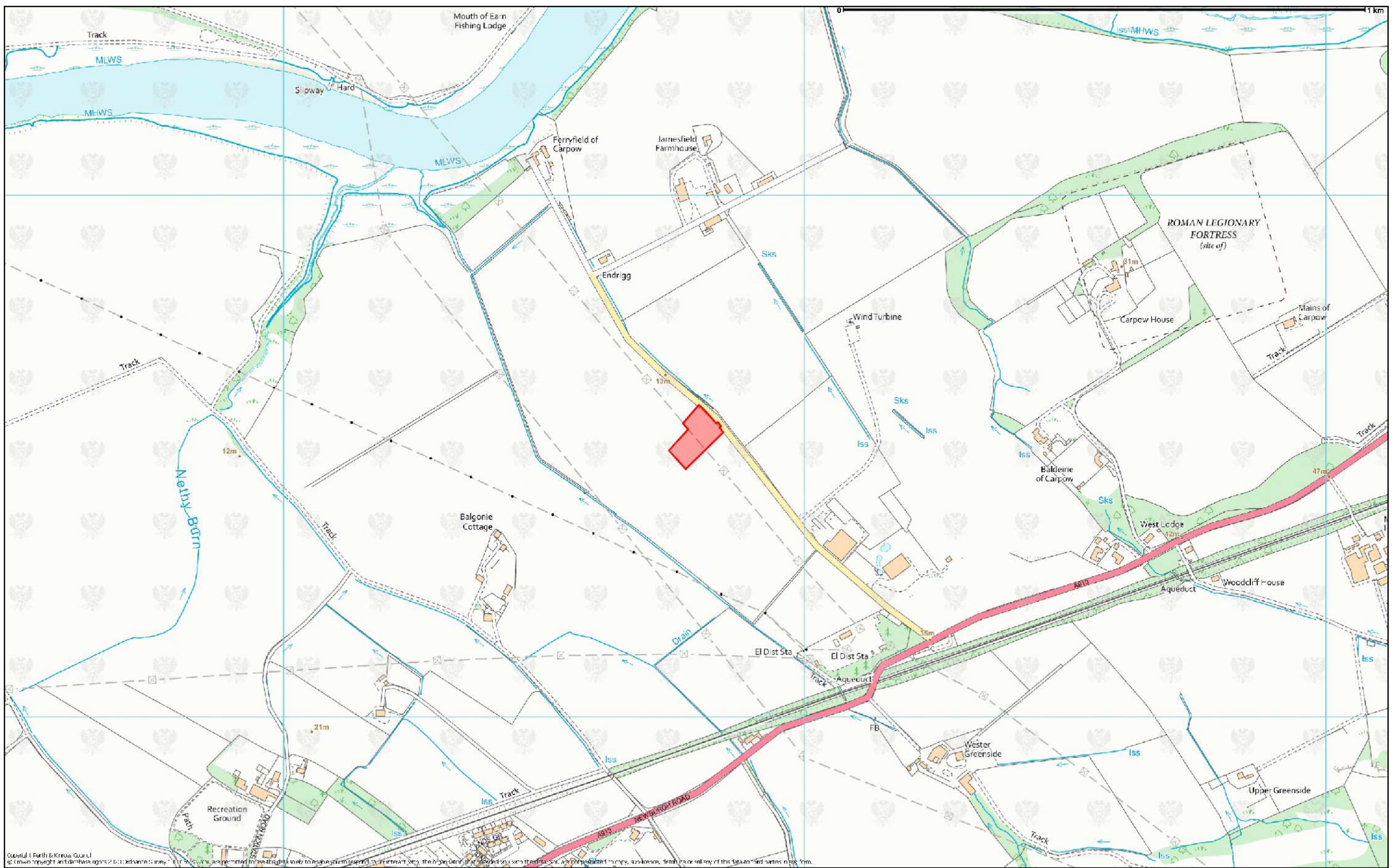
CONCLUSION AND RECOMMENDATION

17. 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: Kirsty Strong
 Date: 29 September 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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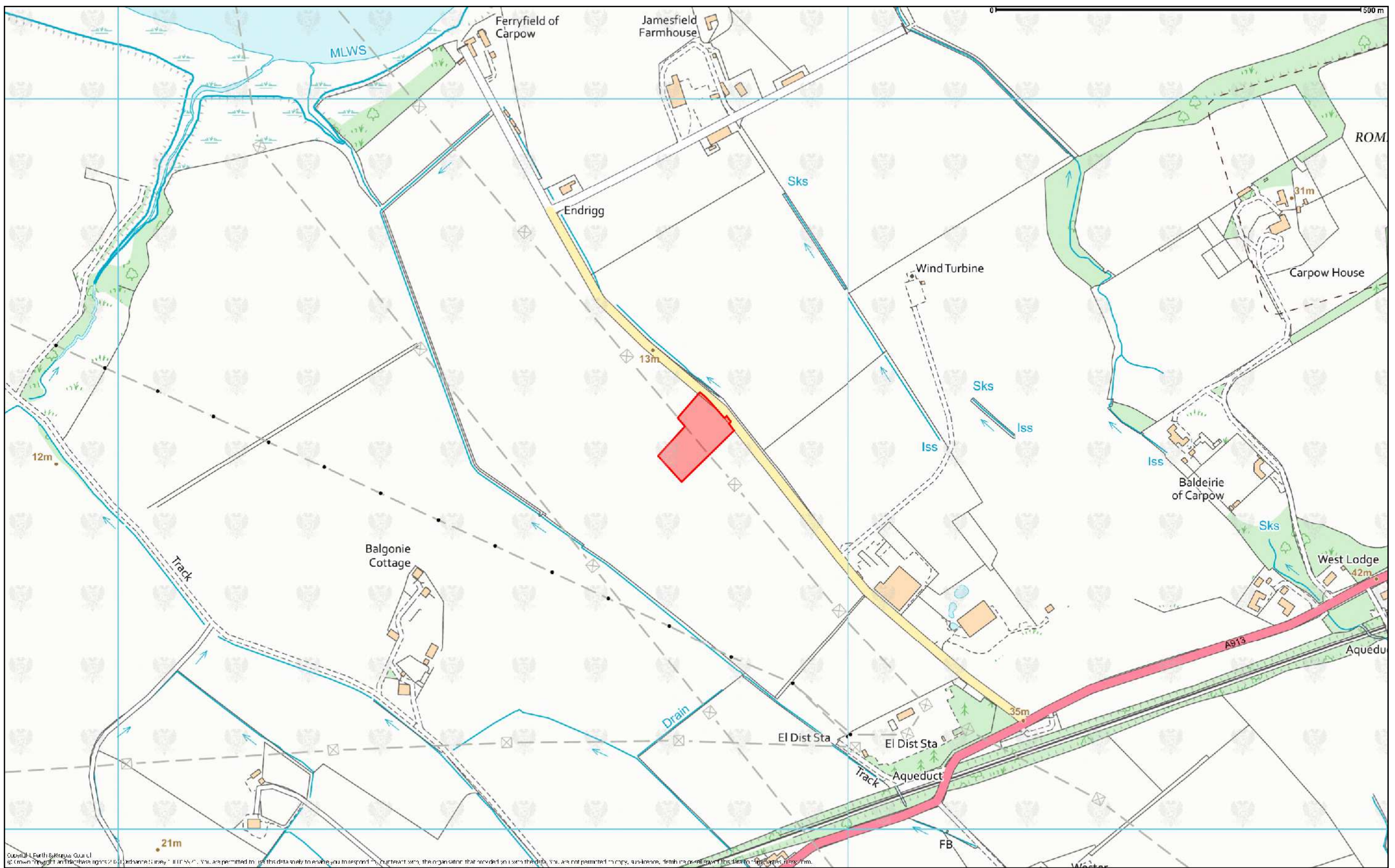
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Planning and Placemaking Committee - 11 October 2023
 Scale 1:7000



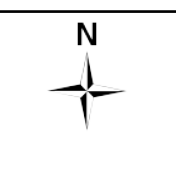
23/00011/PAN
 Formation of 49.9MW battery energy storage facility, formation of access and associated works on Land 400 metres South East of Endrigg, Jamesfield, Newburgh, Cupar





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Planning and Placemaking Committee - 11 October 2023
Scale 1:5000



23/00011/PAN
Formation of 49.9MW battery energy storage facility, formation of access and associated works on Land 400 metres South East of Endrigg, Jamesfield, Newburgh, Cupar



Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Pre-Application Report by Head of Planning and Development
 (Report No. 23/275)

PROPOSAL: Formation of a 49.9 MW 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

LOCATION: Kinnon Park Farm, Methven, Perth, PH1 3NE

Ref. No: 23/00012/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 formation of a 49.9 MW 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 at Kinnon Park Farm, Methven, Perth, PH1 3NE. 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 applicants submitted a Proposal of Application Notice (PoAN) on 31 July 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for the formation of a 49.9 MW 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 at Kinnon Park Farm, Methven, Perth, PH1 3NE.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application. This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

4. The PoAN (reference **23/00012/PAN**) confirmed that a public exhibition will be held at Methven Community Hall, The Old Vestry, 28 Main Street, Methven, PH1 3PU on Tuesday 22 August 2023 between 15.30pm and 19.30pm with a second event held on Tuesday 24 October 2023 between 15.30pm and 19.30pm. The Ward Councillors, MP, MSP and Methven and District Community Council have 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.

DEVELOPMENT PLAN

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

National Planning Framework 4

6. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
7. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 18: Infrastructure First
 - Policy 20: Blue and Green Infrastructure
 - Policy 22: Flood Risk and Water Management

- Policy 23: Health and Safety
- Policy 29: Rural Development

Perth and Kinross Local Development Plan 2019

9. 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.

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 29: Gardens and Designated Landscapes
- Policy 30: Protection, Promotion and Interpretation of Historic Battlefields
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low and Zero Carbon Technology in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
- Policy 35: Electricity Transmission Infrastructure
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 43: Green Belt
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage

- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

OTHER POLICIES

10. The following non statutory guidance and documents are of particular importance in the assessment of this application:-

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building Standard Advice on Flooding
- PAN 73 Rural Diversification

PLANNING SITE HISTORY

13. **04/02335/FUL** Full Planning Permission application was withdrawn on 23 December 2005 for conversion of existing steading and erection of 11 dwellinghouses
14. **05/01778/OUT** was approved on 23 December 2005 for construction of golf course and associated buildings and parking (in outline)

CONSULTATIONS

15. As part of the planning application process the following would be consulted:

External

- Scottish Environment Protection Agency
- NatureScot
- Historic Environment Scotland – Battlefield and Garden and Designed Landscapes
- Forestry Commission Scotland
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Methven Community Council
- Blue Sky Experiences - Airfield Safeguarding
- National Grid - Gas

Internal

- Environmental Health - Noise and Odour
- Environmental Health – Contamination
- Environmental Health – Private Water
- Planning and Housing Strategy
- Development Contributions Officer
- Community Greenspace including Access
- Transportation and Development
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

16. The key considerations against which the eventual application will be assessed include:
 - a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology

- e. Landscape
- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

17. Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

18. 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.

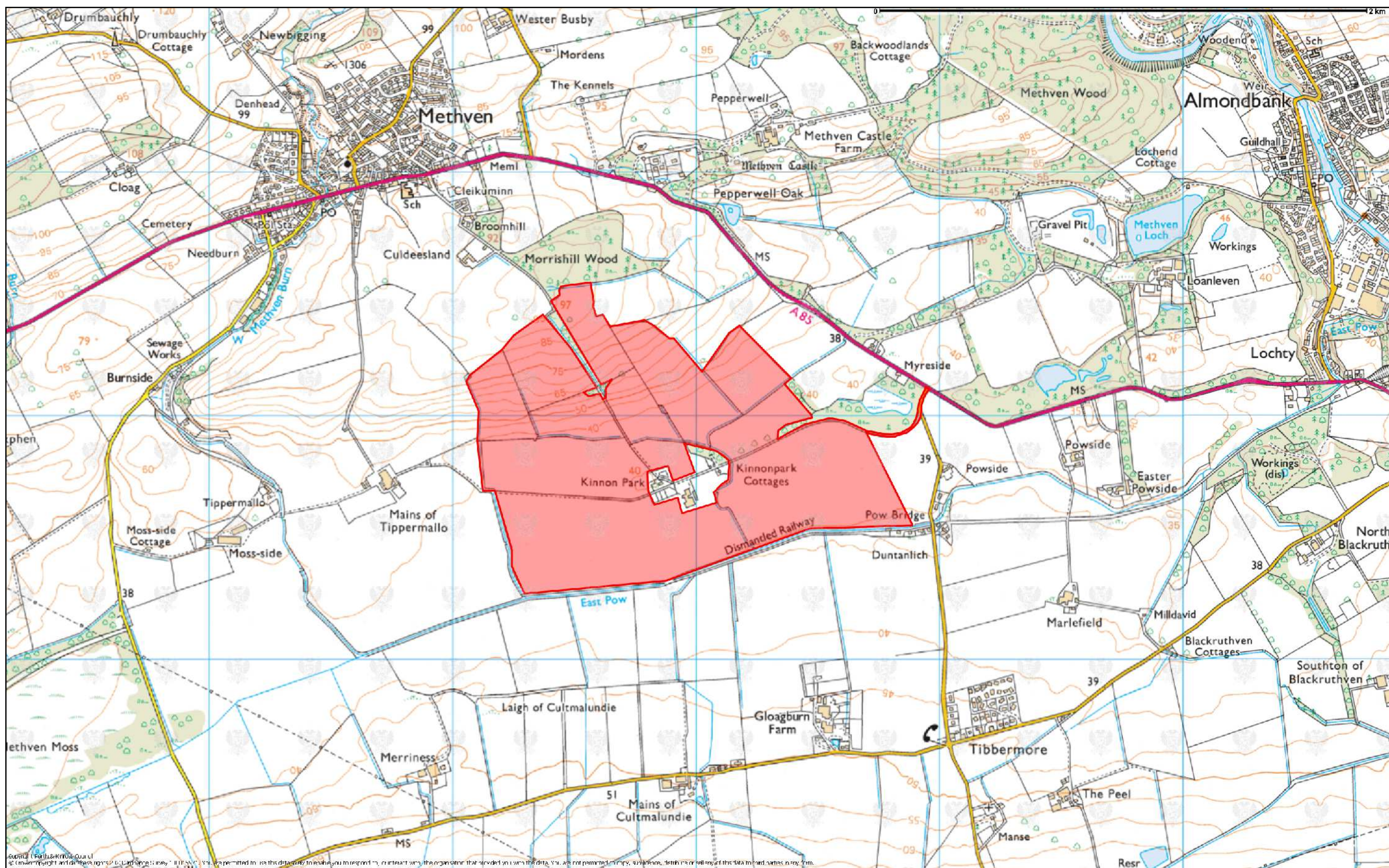
Background Papers: None
 Contact Officer: Kirsty Strong – Ext 01738 475333
 Date: 29 September 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Planning and Placemaking Committee - 11 October 2023

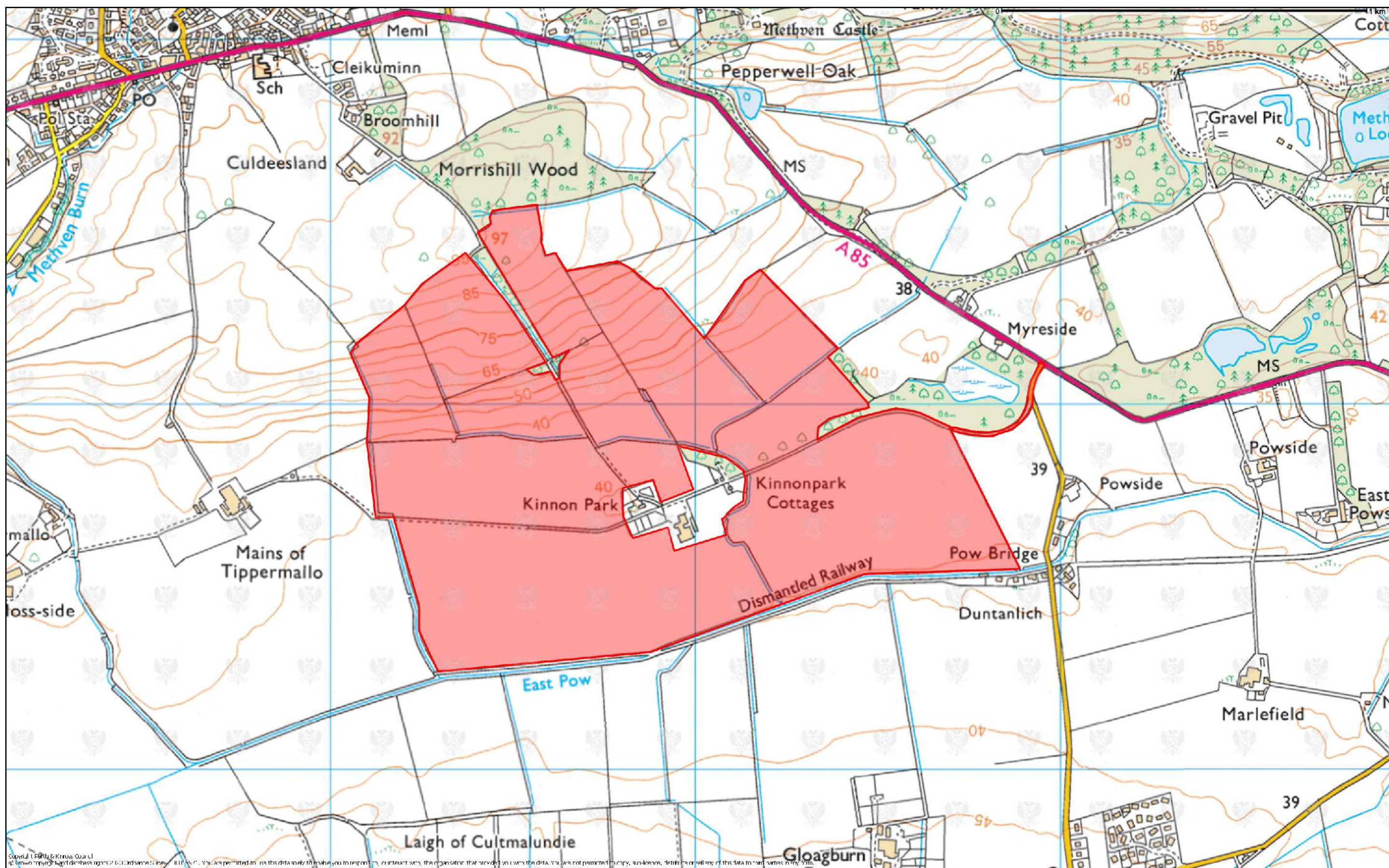
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23/00012/PAN

Formation of a 49.9 MW 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 at Kinnon Park Farm, Methven, PH1 3NE





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Planning and Placemaking Committee - 11 October 2023
Scale 1:10000



23/00012/PAN
Formation of a 49.9 MW 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 at Kinnon Park Farm, Methven, PH1 3NE



