

Perth and Kinross Council  
Planning and Placemaking Committee – 13 March 2024  
Report of Handling by Strategic Lead – Economy, Development & Planning  
(Report No. 24/75)

<b>PROPOSAL:</b>	Upgrading works affecting filter beds, structures and access roads, and engineering and associated works
<b>LOCATION:</b>	Glenfarg Water Treatment Works, The Reservoir, Glenfarg, Perth, PH2 9QL

Ref. No: 23/01353/FLL  
Ward No: P8- Kinross-shire

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application relates to the Glenfarg Water Treatment Works (WTW) to the west of Glenfarg Village and east of the Glenfarg Reservoir.
- 2 The proposal seeks permission for a programme of upgrade works to improve the resilience of the public water supply to 179,000 customers across Kinross-shire and Central Fife. Development is to be carried out within the vicinity of the existing WTW and also 500m to the north-east the redevelopment of existing filter beds adjacent to Glenfarg Reservoir. The programme of works include:
  - 3 *Existing WTW Site*
    - New PAC (Polyaluminium chloride) dosing kiosk adjacent to existing RGF Building, in olive green cladding, measuring 13.5m by 4.35m by 3.5m high;
    - New backwash tank again in olive green, measuring 18.5m by 38m by 13.5m high and set into the slope between the access road and river;
    - New filtered water pumping station, also set into the slope and measuring 20.4m by 15.2m by 8.8m on the north elevation and almost 16m high to the south. The pumping station will be a concrete structure with steel frame with olive greencladding; and
    - A 1.2m diameter ductile iron pipe exiting the pumping station and crossing the River Farg before being routed below ground to the Clear Water Tanks (CWTs) for storage.

#### 4 *Existing Filter Beds Site*

- Downstream Gallery measuring 29.6m by 16.9m and 10.3m high) with a 20.35m by 5.1m and 7.65m high service area located to the side. Both of steel framed construction with olive green cladding;
- Chlorine Contact Tank (CCT) 47.6m by 11.4m and 8.95 m high in unfinished reinforced concrete;
- An upstream CCT Gallery 22.5m by 16.4m and 9.9m high with a 10.1m by 5.1m and 4.0m high Motor Control Centre (MCC). The gallery will be constructed the same as the downstream gallery and the MCC a GRP kiosk both coloured olive green;
- Welfare Building measuring 12m by 8m and 4.2m to roof ridge and a clad steel framed building coloured olive green;
- Relocated Air Curtain Building (Approved under 22/01132/FLL). 9m by 4.1m and 3.85m high in olive green in a new location within the upper filter bed area;
- Sample Building – 12m by 6m and 3.75m high in olive green cladding;
- Supernatant & Expressed Water Treatment MCC Building 5.6m by 4m and 3.95m to roof ridge, again olive green clad;
- Continuous Sand Filters (CSF) Building measuring 5.6m by 3m and 3.9m tall, also olive green clad;
- Replacement bridge over River Farg with 1m wide walkway; and
- Upgrading of the access track to asphalt surfaced. This will see some widening, associated earthworks and gabion basket walls.

5 A number of associated works benefit from permitted development rights under Class 38 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), and include a PAC (Polyaluminium chloride) dosing silo, stand-by generator and fenced/bunded enclosure, transformer kiosk and below-ground CSF inlet pumping station at the Existing WTW. Whilst at the Existing Filter Beds area, four clear water tanks (CWTs), a switchgear kiosk, transformer kiosk, potable water booster kiosk and fuel tank and generator are proposed.

6 The overall site is subject to high surface water and river flood risk, being in the immediate vicinity of the River Farg. The location is also within the Ochils Hills Local Landscape Area.

7 The proposal has attracted more than six objections from members of the public and an objection from Glenfarg Community Council. It is therefore required to be considered at Planning and Placemaking Committee.

#### **Pre-Application Consultation**

8 Pre application Reference: 22/00179/PREAPP. Advice given that 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. In addition, the response provided an insight into the likely planning considerations, key consultees, and information required to support an application.

## **DEVELOPMENT PLAN**

- 9 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**

- 10 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 peoples lives by making sustainable, liveable and productive spaces.
- 11 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 12 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 12: Zero Waste
- 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**

- 13 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.

14 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 27A: Listed Buildings
- Policy 39: Landscape
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated Land and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

15 **Statutory Supplementary Guidance**

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (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)

**OTHER POLICIES**

16 **Non Statutory Guidance**

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

**NATIONAL GUIDANCE**

17 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **Planning Advice Notes**

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

- 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
- PAN 77 Designing Safer Places

## **Creating Places 2013**

19 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**

20 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**

21 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**

22 **97/00067/FUL** Full Planning Permission was Approved on 21 March 1997 for a new pre-treatment water works.

23 **04/01361/FUL** Full Planning Permission was Approved on 14 October 2004 for the upgrading of existing wastewater treatment works, erection of a buried primary settlement tank, sludge storage tank, sludge pumps and control kiosk and formation of new access.

24 **23/00637/SCRN** An EIA Screening opinion was issued on 17 May 2023, indicating an EIA was not required.

## CONSULTATIONS

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

### External

- 26 **Perth And Kinross Heritage Trust** - No objection. Advise of no significant archaeological issues being identified and thus no archaeological mitigation required.
- 27 **Scottish Water** - No comments.
- 28 **Scottish Environment Protection Agency** - No objection, subject to advice provided. Advise a variation may be required to the existing abstraction and discharge licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).
- 29 **Glenfarg Community Council** - Object. Concerns raised regarding: construction traffic and its management; road maintenance; road safety; health, safety and wellbeing of residents; impact on wildlife and ecology from construction works and pollution; justification for works on this particular site; light pollution; and economic viability of village businesses.

### Internal

- 30 **Structures And Flooding** - No objection, subject to condition requiring implementation of measures identified in Flood Risk Assessment, and informative relating to Supplementary Guidance on Flood Risk and Flood Risk Assessments.
- 31 **Environmental Health (Contaminated Land)** - No objection. Advise it remains the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development.
- 32 **Environmental Health (Noise Odour)** - No objection, subject to planning conditions limiting sound pressure levels and undertaking of recommendations of the Noise Impact Assessment, plant noise levels, external lighting, submission of a Construction Management Plan, and a procedure for handling noise complaints.
- 33 **Transportation And Development** - No objection, following submission of additional information and subject to conditions regarding: a Maintenance Agreement under Section 96 of the Roads Scotland Act 1984; detailed passing place design; updated Construction Traffic Management Scheme; and restriction of delivery hours.
- 34 **Development Contributions Officer** - No comments.

- 35 **Biodiversity/Tree Officer** - No objection. Advise ecological information relating to bats and beavers is in accordance with best practice and that a derogation licence will be required by NatureScot prior to works being undertaken. However, insufficient information has been provided in respect of: trees and other habitats present, details of compensatory planting, and confirmation of biodiversity enhancement measures.
- 36 **Development Plan Team** - No objection. Comments made in respect of: landscape and visual impact; road safety; residential amenity; biodiversity and trees. Advised that clarity was required on impact to residents, village parking and construction route, and the extent of proposed planting as compensation for woodland loss. Planning condition suggested regarding final design and materials, including colour for proposed pipe-bridge.

### **Representations**

- 37 71 representations were received, including 68 objections and 3 neutral comments. The main issues raised are:

#### *Objections*

- Air quality impacts from construction traffic and proposed equipment
- Noise pollution during construction and operation
- Light pollution
- Adverse effect on Residential amenity
- Loss of sunlight or daylight
- Adverse impact on visual amenity
- Scale and nature of development out of character for rural area.
- Inappropriate land use
- Over-intensive development
- Loss of open space
- No Landscape Reinstatement Plan submitted to ensure compliance with relevant planning policies.
- Project Environmental Plan, Landscape Mitigation and Planting Plan not submitted.
- Tree loss and lack of clarity whether compensatory planting proposed.
- Biodiversity and wildlife impact from vegetation loss and habitats within filter beds, impact on wetland adjacent to River Farg and protected species.
- Plastic debris and construction debris along River Farg
- Lack or loss of car parking.
- No Traffic Impact Assessment.
- Traffic Management Plan insufficient and lacks detail.
- Lack of measures to ensure Childrens' safety during school commute
- Road Safety during construction.
- Traffic Congestion during construction
- Damage to roads and underlying utilities, as well as listed Glendy Mill bridge, during construction.

- Lack of clarity regarding extent of vehicle movements during operation.
- Adverse economic impact on village store
- No community benefit as proposal is to serve residents in Fife.
- Why has a different site not been considered, in light of supply to Fife.
- Unclear what impact will be on private water supplies locally.
- Lack of detail regarding extent of construction activities across 3-year construction period.
- Additional flood mitigation should be considered.
- Flood Risk Assessment has omitted incidents occurring since 2020.
- Submission does not mention large excavations for proposed pipelines or the required temporary roads or bridge.
- Landowner of the private access road was not notified.

*Neutral comments*

- Acknowledgement that infrastructure upgrades are needed.
- Hours of works should be controlled by planning condition.
- Monitoring of ecological and environmental mitigation should be independently undertaken.
- Concern regarding road safety and maintenance, traffic management.
- Concern regarding economic impact on local businesses.

38 These issues are addressed in the Appraisal section of the report. It should be noted that the following matters which were also raised are not a material planning consideration:

- Impact on property values.
- Damage to properties from construction vehicle vibration.

39 In addition, the applicant was instructed to (re)issue a notification to the landowner of the private access. It is not for the Planning Authority to guarantee delivery of that notification, and it is a civil matter for the applicant to seek any relevant landowner's permission for access over their land.

**ADDITIONAL STATEMENTS**

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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	Supporting Statement Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Flood Risk Assessment</li> <li>• Noise Impact Assessment</li> <li>• Ecological Constraints Survey</li> <li>• Traffic Management Plan</li> </ul>



	<ul style="list-style-type: none"> <li>• Road Safety Assessment</li> <li>• Preliminary Bat Roost Assessment</li> <li>• Baseline Beaver Survey</li> <li>• Project Environmental Plan</li> <li>• Bat Survey</li> </ul>
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**APPRAISAL**

41 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 identified elsewhere in this report.

**Principle of Development**

42 The development is related to an existing Water Treatment Works (WTW), and is intended to improve/increase its capacity. As such the principle is supported. The proposed built form would be positioned within or adjacent to existing developed areas at the facility. Although part of the site is at Flood Risk, this type of development is considered to comply in with Development Plan policy as it is 'essential infrastructure'. As such, the proposal is considered to accord in principle with NPF4 Policies 22: Flood Risk and Water Management; and 29: Rural Development, as well as LPD2 Policies 8: Rural Business and Diversification; and 52: New Development and Flooding, subject to consideration of the visual and landscape impacts, residential amenity, transport and environmental impacts.

**Design and Layout, Visual Amenity, Landscape**

43 Design would reflect the function and be set within the established context of a wider WTW. The facility also benefits from permitted development rights for certain above-ground structures (including tanks but not buildings) up to 15 metres in height. The proposed buildings will primarily be finished in an olive green colour, to blend with surrounding countryside. In addition, the position within the context of existing large buildings and infrastructure along the base of what is a steep-sided glen would have a contained and modest visual and landscape impact. In addition, a scheme of landscape and planting shall be secured by condition to ensure compensatory planting of vegetation, and to add additional screening within the landscape. Whilst the proposal is within the countryside, no designated open space would be affected as part of the proposal.

44 As such, the general design and layout of the development raises no issues or concerns in terms of visual amenity and landscape impact, subject to planning conditions. In this respect, the proposal accords with NPF4 Policy 14 and LDP2 Policies 1A, 1B and 39: Landscape.

### **Residential Amenity**

45 In terms of operational noise, the closest residential properties, 1-3 East Blair Cottages, are approximately 82m from the eastern end of the Water Treatment Works and some 600 metres from the filter beds adjacent to the Glenfarg Reservoir.

46 The proposed and existing equipment may have to operate continuously 24 hours per day, 7 days per week.

47 A Noise Impact Assessment (NIA) has been submitted and assesses impact on these closest residential properties. It sees that the projected noise limits have been set as no greater than 10dB below the existing background noise levels, which themselves include existing plant noise from the WTW site.

48 The report has concluded that subject to plant design mitigation measures, i.e. acoustic ventilation louvres and cladding buildings to achieve compliance with noise limits presented in section 8.4 of the NIA, then noise emissions are expected to meet Scottish Water's internal criteria of sound pressure being no greater than the existing background noise pressure level at the site boundary, and the Environmental Health Team's plant noise condition which requires no exceedance of Noise Rating (NR) 35 during daytime hours and NR 20 during nighttime. The Environmental Health Team have therefore recommended a standard condition.

49 There is existing lighting at the WTW and some additional lighting is proposed. The Supporting Statement advises this would be angled at the pumping station, backwash tank and Filter Bed area. The Planning Statement also states that no permanently 'switched on' lighting is proposed. The Environmental Health Team have recommended a planning condition to control external lighting.

50 The construction period will generate noise and dust spread over approximately three years. The Planning Statement states that construction hours will be largely limited to 0800 to 1800 hours Monday to Friday however, certain work activities will be required out with these times. Whilst the Supporting Statement refers to mitigation such as noise screening and dust suppression during excavations, the Environmental Health Team have recommended that a planning condition requires a Construction Management Plan (CMP) to set out the proposed controls for noise and dust producing activities, and state noise threshold limits. It would also be expected to clarify what monitoring will be undertaken for both noise and dust and contain a complaints procedure, in addition to a procedure for out-of-hours working, such as notification letters to affected residents and landowners, and contact made with Planning Authority and Environmental Health prior to any such out-of-hours works being undertaken.

51 Concern has also been raised in representations in respect of loss of light and overshadowing. However, the proposed equipment would be located at least 46 metres to the north-west of the nearest residential garden and approximately 51 metres from the nearest dwellinghouse. The proposals would not therefore harmfully overshadow these properties.

52 As such, subject to conditional control, the proposal is considered acceptable in terms of its effect on residential amenity and accords with NPF4 Policies 14: Design, Quality and Place, and 23: Health and Safety, and LDP2 Policies 1A: Placemaking, 56: Noise Pollution, and 57: Air Quality.

### **Roads and Access**

53 Traffic and road safety concerns are prominent in representations, and PKC have required mitigation of impacts during the construction period. This sees a revised Traffic Management Plan (TMP) submitted, although a number of issues remain and are set out below. However, these matters can be addressed through a condition requiring an updated Construction Transport Management Scheme (TMS) to be adhered to.

54 The TMP gives detail of vehicle movements, including c.50 Light Goods Vehicles (LGVs) per day, and 20 to 30 Heavy Goods Vehicles (HGVs) per week. There will, however, be peaks of 20 to 30 HGVs from time to time.

55 The Supporting Statement advises that the vehicular access to the WTW passes through Glenfarg and is narrow and to address this the following measures are proposed:

- Road upgrading, including an additional passing place, surfacing repairs, improved visibility and signage;
- HGV movements being restricted to day time;
- The private road from the C414 to the site will be shared with members of the public and construction traffic; and
- Convoying of delivery vehicles, to ensure the appropriate routes are used and that the interface with non-construction traffic is managed.

56 It is also proposed that deliveries will be undertaken between 08:00 and 18:00hrs but managed to avoid peak school times and other peak traffic periods. Planning Condition 16 shall secure this.

57 The TMP also advises that HGVs arriving from the north and east, will exit the M90 at Junction 6 (Kinross) and then use that roundabout to rejoin the M90 in a Northbound direction to exit at M90 Junction 8 (Arlary). Then vehicles will travel along the A91 to the B996 and onward to Glenfarg. Vehicles will then continue up the B996 to a holding layby, where they will be meet by the convoy vehicle. Vehicles will then be led through Glenfarg to Ladeside, then go through the junction of Ladeside/Duncricvie Road/Greenbank Road/Church Brae and up Church Brae onto the C414, before entering the private road to the Reservoir.

The reverse route shall be used for exiting vehicles, other than use of the layby. This means that no HGVs are proposed on the B996, A912 or C416 to the north of Glenfarg.

- 58 Vehicles travelling from the south and west will similarly use this routing from the M90 Junction 8 (Arlary).
- 59 LGVs will utilise a similar route but being smaller can reasonably use any route from the north but will the use Ladeside rather than along Greenbank Road.
- 60 Two alternative routes to site were considered but were deemed unsuitable due to challenges regarding vehicle manoeuvrability, steep gradients, the high likelihood of meeting agricultural vehicles, and the need for further passing places above those already proposed. None of the considered routes would avoid interactions with members of the public.
- 61 Given the increase in vehicle movements during construction and increased interactions with existing users details of the proposed passing places have been provided. Detailed designs remain to be confirmed, otherwise proposed road widening and verge improvements are to be permanently retained. Planning Condition 4 shall control this issue.
- 62 The applicant has confirmed that there will be no alteration or change of vehicle priorities on Church Brae, from Ladeside in Glenfarg. This followed concern which had been raised by Transport Planning Team regarding intervisibility between the roads and the interaction with existing vehicle accesses onto Duncricvie Road, Ladeside and Greenbank Road. If such a change of vehicle priorities was to be proposed in the future, further consideration of this by the Roads Authority under relevant legislation outwith the planning process would be required.
- 63 Representations raise concerns over the walking, scooting and cycling route to the primary school. To address this concern the applicant has committed to the provision of a crossing officer at the Ladeside junction. The TMS will set out the arrangements and the associated planning condition will secure control as part of the updated TMS.
- 64 It is proposed that parking restrictions will be implemented on Church Brae to secure the required passage, reducing current street parking and thus displacing vehicles to other locations. The applicant is exploring options for the provision of additional car parking close to Church Brae and this can be explored further via the updated TMS (Condition 5).
- 65 The applicant is also proposing vegetation management along the access route, including removal of overhanging vegetation to improve sightlines. It is noted that some works may require agreement of landowners, arranged out with the planning process.

- 66 During periods of low temperature and inclement weather, it has been confirmed that snow ploughs and grit/salt will be used on the access route.
- 67 Anti-skid surfacing is also proposed on Church Brae. The length, location and specification to be included within the updated TMS (Condition 5).
- 68 The access route crosses the Category 'C' listed 'Glendy Mill Bridge'. As such it is proposed to install a temporary 'Bailey Bridge' to facilitate improved access and prevent any damage to this historic structure. Further details including detailed drawings shall again be required via the updated TMS (Condition 5).
- 69 In terms of post construction operational traffic, it has been confirmed that there is no anticipated increase.
- 70 A planning condition shall require a Road Maintenance Agreement, under Section 96 of the Roads (Scotland) Act 1984, to be entered into prior to commencement of development.
- 71 Transport Planning Officers do not object, subject to the planning conditions set out above. As such, subject to conditional control, the proposal is considered to accord with NPF4 Policy 13 and LDP2 Policy 60B.

### **Drainage and Flooding**

- 72 NPF4 Policy 22 Part (i) is supportive of essential infrastructure development within flood risk areas where there is operational reasoning, although subject to a number of criteria. These include that all risks of flooding are understood and addressed, and that there is no reduction in floodplain capacity which results in an increased risk for others. In this instance, the proposed upgrade of a Water Treatment Works is considered as essential infrastructure and with a site specific reasoning. A Flood Risk Assessment has been submitted and is accepted by both both SEPA and the PKC Flood Team, subject to adherence to its recommendations – which shall be secured by condition 10.
- 73 In terms of potential impacts on the water environment, the proposal may require a variation of the existing abstraction and discharge licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Discharge of run-off from construction sites to water environment also requires authorisation from SEPA, as does land raising of watercourse banks or any other works within the water environment. The applicant should therefore contact SEPA directly, and an informative shall draw attention to this.
- 74 At the Flooding Team's request, a further informative would draw attention to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments.
- 75 Representations raise concern over impact on private water supplies. However, there are no known private water supplies within the application site boundary, and measures required through planning conditions to prevent pollution along the

River Farg would also benefit groundwater locally. As set out above, separate authorisation is required from SEPA for works within the water environment.

- 76 As such, the development, subject to the recommendations of the Flood Risk Assessment, is considered to accord with NPF4 Policy 22: Flood Risk and Water Management, and LDP2 Policies 52: New Development and Flooding; 53A: Water Environment; and 53C: Surface Water Drainage.

### **Conservation Considerations**

- 77 There are no heritage concerns other than the aforementioned C listed Glendy Mill Bridge, where a temporary Bailey Bridge is proposed. That Bailey Bridge likely mounted either side of the existing structure and not requiring of Listed Building Consent. However, further details can be secured via the updated Traffic Management Scheme in condition 5. Subject to this, the proposal accords with the intent of NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 27A: Listed Buildings.

### **Natural Heritage and Biodiversity, Soils**

- 78 NPF4 Policy 3: Biodiversity and LDP2 Policy 41: Biodiversity, seek to protect and enhance all wildlife and associated habitats whether formally designated or not. NPF4 Policy 6: Forestry, Woodland and Trees and LDP2 Policy: 40B Trees, Woodland and Development, seek to protect and increase forests, woodland and trees. Also of relevance are national and local policies which seeks to protect and enhance blue and green infrastructure, including: nature restoration, biodiversity enhancement and flood prevention, and water management and to ensure this is an integral part of development proposals. Proposals which result in the fragmentation or net loss of existing blue and green infrastructure will not be supported, as outlined in NPF4 Policy 20: Blue and Green Infrastructure, and LDP2 Policy 42: Green Infrastructure. NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings and LDP2 Policy 58A: Contaminated Land are also of relevance in respect of land contamination.
- 79 In terms of land contamination, Environmental Health officers have reviewed records and do not raise any concerns.
- 80 The surveys provided regarding beavers and bats in particular are considered to be acceptable and in line with best practice. Planning condition 11 shall ensure adherence the survey recommendations, which include the requirement to obtain NatureScot derogation licences.
- 81 Whilst Planting Plans have been submitted, there is no: Tree Survey; details of the extent of tree removal; or clarity regarding compensatory tree planting, which is required on a 1:3 basis by Supplementary Guidance. However, it is considered that this lack of detail would not constitute grounds for refusal, subject to such detail and implementation being required by condition. A Landscaping Plan, which sets out how the proposed built form will be mitigated within the wider rural environment is also recommended to be subject to condition.

82 As such, subject to conditions, the proposal is considered to accord with the intent of NPF4 Policies 3, 4, 9 and 20, and LPD2 Policies 40B, 41, 42, and 58A.

### **Developer Contributions**

83 None required.

### **Economic Impact**

84 The economic impact of the proposal is likely to be more obviously focused during the construction phase, however the wider benefits to the economy of a more resilient clean water supply are also recognised. The proposed three-year construction period may also have an economic impact on the village of Glenfarg and its businesses, however this may include both positive and negative effects. It is however considered that the necessity of the infrastructure upgrades tilts the balance in favour of the development and that mitigation of adverse impacts can be achieved via an updated Construction Traffic Management Scheme as required by planning condition 5.

### **Other Matters**

85 A number of additional matters have been raised in representations, and are addressed as follows:

86 Excavations for proposed pipelines benefit from permitted development rights under Class 38 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and do not form part of this application. In addition, certain temporary works as part of a wider development proposal do not themselves require planning permission. As such concerns in relation to these matters cannot be given significant weight in the assessment.

87 There is no requirement to detail the exact sequence of construction activities. Notwithstanding this, planning conditions relating to noise and the updated Construction Traffic Management Scheme (TMS), and the adherence to identified controls shall ensure that the impacts are mitigated to acceptable levels.

88 The proposal seeks to upgrade an existing WTW site which dates from 1984, to provide water supply resilience adjacent to the source (Glenfarg Reservoir) and serves 179,000 customers across Kinross-shire and Fife. It is acknowledged that the extent of this customer catchment does not align with local government administrative boundaries, but that itself is not grounds for refusal of an essential infrastructure project which would benefit both the immediate area and wider region. Various measures to minimise the impacts of development and the construction period have been assessed within this report and shall be secured by planning conditions.

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

- 89 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 supporting documents relating to Transport and Biodiversity.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 90 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 91 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**

- 92 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.
- 93 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, a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority and the Environmental Health Team. The plan shall include procedures, monitoring and mitigation measures for the control of noise, vibration, and dust at the construction stage of the development.

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

4. Prior to commencement of any development on site, a detailed design showing all passing places, including current and those to be constructed or upgraded, with the proposed construction works, cross sections, specifications and signage of the passing places on both the public road network and private road shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to ensure that a positive flow of water is maintained in the existing drainage ditches. The passing places shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and shall be undertaken prior to the commencement of construction associated with this planning application.

Reason - In the interests of pedestrian and traffic safety.

5. Prior to the commencement of the development hereby approved, an updated Construction Traffic Management Scheme (TMS) shall be submitted to and approved by the Council as Planning Authority, in consultation with the Roads Authority (Structures). The updated TMS shall include the following (confirming the location, specification and timescale for installation of each measure):
  - (a) Speed Reduction Measures;
  - (b) Road Traffic Signage, including solar signage;
  - (c) Bailey Bridge to be constructed over Glendy Mill Bridge Category C Listed Structure;
  - (d) Anti-skid surfacing;
  - (e) Improvements to Lay-by Development for Escort Vehicles & HGVs;
  - (f) Parking restrictions;
  - (g) Vegetation Clearance;
  - (h) Verge Improvements;
  - (i) Crossing Officer for the junction of Greenbank Road/Ladeside/Duncricvie Road/Church Brae (operational duration, daily times and operational location); and
  - (j) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction.

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

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

Reason - In the interest of proper site management.

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

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

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

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

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

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

9. Prior to the commencement of the development, a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to. Confirmation of this agreement being in place shall be provided to the Council, as Planning Authority, a minimum of two weeks prior to the commencement of development. The maintenance agreement shall be in respect of the:

- B996
- Ladeside
- C414

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

Reason - In the interests of road safety

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

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

11. The conclusions and recommended action points within the supporting Ecological Constraints Survey, Beaver Survey and Bat Survey submitted and hereby approved (document(s) 36, 42 and 44 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

13. The sound pressure limits as presented in Section 8.4 of the Noise Impact Assessment (Document 35 relates) hereby approved shall be adhered to and the recommended noise mitigation measures in section 8.6 of the approved document shall be incorporated into ongoing detailed design and coordination to ensure compliance with Condition 8 of this planning permission.

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

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

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

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

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

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

Reason - In the interests of road safety.

### **Justification**

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

### **Procedural Notes**

None.

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the

planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
6. The applicant should take note of the information and advice contained within the consultation response from SEPA.
7. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to information regarding biodiversity and transport.
8. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

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

9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 88 letters of representation  
Date: 1st March 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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