

Perth and Kinross Council
Planning & Development Management Committee – 5 May 2021

Report of Handling by Head of Planning & Development (Report No. 21/57)

PROPOSAL: Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works

LOCATION: Land 100 Metres South of Jamesfield Garden Centre Abernethy

Ref. No: [20/01770/FLM](#)

Ward No: P9 - Almond and Earn

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 proposed site lies immediately to the north of the existing Abernethy Substation, which comprises steel lattice towers, overhead lines and ancillary infrastructure, approximately 2 kilometres (km) north-east of the centre of Abernethy and is accessed off the A913. The topography is relatively flat and comprises arable land that slopes down by around 10 meters to the north.
- 2 To the east is the Jamesfield Garden Centre, Organic Farm Shop and Restaurant and the Silver Lining Hair Studio, with open arable fields to the north and west. Immediately south is the existing Abernethy Substation.
- 3 Supporting documentation advises that the existing Abernethy substation has insufficient capacity to enable the connection to the electricity grid of two consented wind farm projects which would provide 57 megawatts (MW) of renewable energy generation by October 2022. As such, detailed planning permission is sought for an extension to the existing substation comprising the following:
 - Installation of two new 120 Mega Volt Amp (MVA) transformers, both some 6m in height, both set on platforms/pads approximately 15m by 8m and rising around 1m above existing ground level
 - A 33 kilovolt (kV) and 132kV underground cable to connect the transformers to the existing substation;
 - Palisade security fencing, 2.4m in height, around the proposed infrastructure, with a post and wire fence surrounding the rest of the site;
 - CCTV;
 - Two flood lights to illuminate the substation;

- Formation of an access track; and
- SUDS and landscaping.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening (20/00501/SCRN). Having considered the proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposal is not EIA development. Notwithstanding, the applicant has submitted an Environmental Appraisal in support of the application, which has been welcomed.

Hierarchy of Development Regulations

- 5 The applicant considers that the proposed development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, Council officers consider that it is not a 'National', but rather an application for a 'Major' development, being an extension of an existing facility to meet the requirements of recently consented renewable energy developments and provide connection capacity to the electricity grid network.

Pre-Application Consultation

- 6 As a Major development the applicant was required to undertake formal pre-application consultation (PAC) with the local community. Because of the COVID-19 pandemic the applicant was required to modify their public consultation process of their Proposal of Application Notice (PoAN) (Ref: 20/00005/PAN) to ensure they were in line with the latest Scottish Government guidance on holding public consultations associated with major planning applications. This saw an online/virtual consultation presentation followed by a live 'Question and Answer' session held on 7 July 2020. Pete Wishart MP; Roseanna Cunningham MSP; PKC Ward 9 Councillors; as well as Abernethy and District Community Council were all notified. The results of the community consultation have been submitted with the planning application as part of the required PAC Report.

National Policy and Guidance

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

National Planning Framework 2014

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and

planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014 (Revised December 2020)

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Supporting Business and Employment: 92-108
 - Valuing the Historic Environment; 135-151
 - Delivering Heat and Electricity: 152-174
 - Valuing the Natural Environment: 193-218
 - Maximising the Benefits of Green Infrastructure.

Planning Advice Notes

- 11 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
 - PAN 77 Designing Safer Places

Development Plan

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 15 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 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 28: Conservation Areas
- Policy 33: Renewable and Low Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution

- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

Other Policies

- 16 Developer Contributions and Affordable Housing Supplementary Guidance July 2020

Relevant Site History

- 17 20/00501/SCRN EIA Screening request submitted April 2020 for Installation of a 132kv extension, replacement of 60 MVA transformers and erection of a control building. PKC EIA Screening opinion issued in May 2020 advising that no EIA Report was required.
- 18 [20/00005/PAN](#) Proposal of Application Notice (PoAN) submitted June 2020 for extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works. PoAN approach to consultation approved by PKC in July 2020.

CONSULTATIONS

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

External

- 20 **Scottish Environment Protection Agency (SEPA):** No formal response received due to operational issues
- 21 **Historic Environment Scotland (HES):** No objection. No issues noted in relation to impact on nearby Carpow Roman Fortress Scheduled Monument (SM2275)
- 22 **Scottish Water:** No objection.
- 23 **Transport Scotland:** No objection. Recommended conditions related to abnormal load deliveries and the trunk road.
- 24 **Network Rail:** No objection, as no impact on railway infrastructure.
- 25 **Health and Safety Executive (HSE):** No objection. Advise of no HSE related infrastructure in the area.
- 26 **Perth And Kinross Heritage Trust (PKHT):** No objection, as limited archaeology records in the area.
- 27 **Abernethy Community Council:** No response received.

Internal

- 28 **Environmental Health (Noise Odour):** No objection, subject to a standard noise condition.
- 29 **Land Quality:** No objection, as no records of contamination in the area.
- 30 **Structures and Flooding:** No objection on flood risk or drainage grounds.
- 31 **Community Greenspace:** No objection.
- 32 **Conservation Team:** No objection, as no impact on Abernethy Conservation Area.
- 33 **Transport Planning:** No objection, subject to further details on a passing place and a Construction Traffic Management Plan (CTMP) being in place before development commences.
- 34 **Biodiversity/Tree Officer:** No objection. Express support for the proposed biodiversity mitigation and enhancement.
- 35 **Development Contributions Officer:** Advise no developer contributions required.

Representations

- 36 None received.

ADDITIONAL STATEMENTS

Screening Opinion	Yes – 20/00501/SCRN EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Environmental Appraisal, Planning Statement, Transport Statement Submitted

APPRAISAL

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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

- 38 With an existing substation adjacent to the site, the principle of energy related infrastructure at this location is established.
- 39 The proposed extension to the existing substation has been driven by the fact that this facility has insufficient capacity to enable the connection of around 57 MW of new renewable electricity programmed to be generated by October 2022. Therefore, it is necessary to install a 132 kV extension to the existing substation, through the replacement of the two existing 60 MVA transformers with two 120 MVA transformers. This would accommodate the anticipated renewable energy levels.
- 40 LDP2 Policy 33 - Renewable and Low Carbon Energy, provides support for proposals for the distribution of renewable energy. As already stated, the application seeks an extension to an existing substation required to support the distribution of new renewable energy generation. This will assist in providing the transmission capacity necessary to realise the potential of Scotland's renewable energy resources and in doing so helping to meet Scotland's climate change targets. The proposal is therefore considered to comply with LDP2 Policy 33.
- 41 LDP2 Policy 35 - Electricity Transmission Infrastructure is also relevant and supports the principle of the proposed substation extension and associated infrastructure. It is noted that in environmentally sensitive locations Policy 35 requires appropriate mitigation and that these are considered during the preparation of any proposal.
- 42 The applicants Environmental Appraisal sets out how the proposed site has been designed to minimise adverse impacts on the environment and avoid environmentally sensitive locations. On this basis it is considered that the proposal will not result in unacceptable effects to the environment, subject to the proposed mitigation measures being put in place. Therefore, the proposal is considered to comply with LDP2 Policy 35.

Design and Layout

- 43 Given the nature of the proposed development, the design has been largely technically driven, although certain design principles were adopted to ensure it is as sensitively sited and well designed as possible.
- 44 The design process has specifically considered the potential impacts on sensitive receptors and features of the surrounding environment. The application seeks to minimise the potential permanent effects on landscape, visual, and noise receptors in particular.

- 45 The location of the existing substation assists in minimising the impact on the landscape, with that infrastructure already a feature. Detailed landscape mitigation proposals are proposed as follows.
- A linear mound, between the proposals and the existing hedge along the minor road to Jamesfield, planted with a native scrub woodland mix, to provide enhanced screening from the east. The existing hedge, which particularly in summer already provides local screening, would be retained;
 - Reinforcement by filling of gaps in the existing hedge to the north edge of the site;
 - A new hedge to provide screening along the western boundary;
 - Tree planting within these new and reinforced hedges where possible, without affecting electrical safety clearances;
 - Underplanting of the existing woodland to the south and east of the existing substation, to ensure long-term screening function and to enhance biodiversity;
 - Extension of the woodland planting;
 - Temporary seeding to the area set-aside for potential future expansion; and
 - Seeding of species-rich grassland to the remaining open space within the Site.

Landscape and Visual

- 46 LDP2 Policies 1 – Placemaking; and 39 – Landscape require development 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.
- 47 A Landscape and Visual Appraisal (LVA) is contained within the Environmental Appraisal and has been examined by HES and the Council. The LVA identifies that the character of the study area is predominantly agricultural, with arable fields of irregular size and shape. To the south the hills are a mixture of rough grazing and scrub with substantial areas of commercial conifer plantation. It is noted there are existing electricity infrastructure features within the landscape, including the existing Abernethy Substation and overhead towers and lines. These form important part of the baseline in which the proposal is assessed.
- 48 There are no statutory nationally designated landscapes in the vicinity of the site, although the Ochil Hills Local Landscape Area (LLA) designated through the LDP2 lies immediately south. The applicants Environmental Appraisal concludes that the proposed development would form a small change, perceptible from a very small part of the Ochil Hills LLA, which would have a negligible effect on the landscape character. Officers agree with this position, particularly due to the presence of the existing Abernethy Substation which reduces sensitivity locally.
- 49 The LVA also concludes that no permanent long-term significant visual effects are anticipated, for any of the residential receptors in proximity of the proposal.

Neither are significant visual effects anticipated from surrounding transport receptors. Officers are again in agreement with the submitted LVA.

- 50 One significant visual effect is identified, on visitors to the nearby Jamesfield Garden Centre, Organic Farm Shop and Restaurant. To mitigate this significant planting has been incorporated in the overall design, to reduce this impact within 5 to 10 years and in the long term provide a beneficial visual effect.
- 51 Two core paths, ABNY/120 and ABNY/1, are close by, with visibility from sections of ABNY/120. The views would, however, be generally limited, due to topography and intervening vegetation. The proposals would also be visible from ABNY/1, although it would be seen in the foreground to the existing substation, which forms the dominant feature of that view. For both core paths, the proposal would result in minor adverse visual effects, which would be non-significant. Various landscape mitigation measures are proposed in the applicants Indicative Landscape and Environmental Mitigation Plan (LEMP) to reduce potential views of the Proposed Development.
- 52 Overall, one significant visual effect is identified; however, this would reduce as the proposed mitigation planting establishes and grows. No long-term adverse effects are predicted.
- 53 The proposed development and associated mitigation has been designed to minimise landscape and visual impacts. Whilst some visual impacts are inevitable due to the nature and type of infrastructure proposed, it is considered that the impacts have been designed to help offset significant long-term visual effects and in turn ensure compliance with the aims of LDP2 Policy 39.

Residential Amenity

- 54 The applicant has submitted a Noise and Vibration Assessment (NVA) as part of their Environmental Appraisal and this has been examined by PKC Environmental Health.

Noise and Vibration

- 55 The closest noise sensitive receptors (NSRs) are 2 Elmbank and Wester Greenside Farm. The NVA assessed the noise levels emitted from the existing substation and the proposed extension and the impact at NSRs.
- 56 The assessment for the operation of the existing and proposed extension with the new replacement transformers predicts a significant improvement to the existing noise levels within the closest NSR but there is still an adverse impact for the external amenity of the closest NSRs.
- 57 The indoor assessment predicts that the likelihood of disturbance from noise is low and the likelihood of disturbance from low frequency noise is also low.
- 58 The applicants NIA concluded that no mitigation measures are required to meet internal noise criteria for all receptors. However, to ensure adequate controls

Environmental Health recommend a condition is applied to protect the residential amenity of the closest noise sensitive receptors (Condition 8).

Roads and Access

- 59 The site is located approximately 100 metres from the A913, with access taken from the public road network from the U75 Ferryfield Road. A Transport Statement supports the application and has been examined by both Transport Scotland and PKC Transport Planning.
- 60 Transport Scotland have not raised any issues with the proposal and have recommended standard conditions in relation to abnormal load delivery requirements and the trunk road network (Conditions 2 and 3).
- 61 PKC Transport Planning advise that although there is currently a vehicle access to the existing substation, to accommodate the delivery of the proposed transformers to site, an extension to the access linking it with the public road network will be created.
- 62 Transport Planning confirm that the applicant has discussed providing a passing place on the U75, but details have yet to be finalised. It is recommended that the passing place is capable of allowing two construction lorries to pass, in the interest of enabling free flow traffic conditions and allowing continued access to the businesses north of the site. Condition 4 seeks to control that the design is submitted, approved and implemented.
- 63 The applicants Transport Statement acknowledges that a Construction Traffic Management Plan (CTMP) is required and should include details for maintenance and sweeping of debris material from the U75. Condition 5 is therefore recommended to control delivery of the CTMP prior to commencement of works.
- 64 In terms of road and traffic considerations the proposal is considered to comply with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 65 The applicant has submitted a Hydrology, Hydrogeology and Soils Assessment, as part of their Environmental Appraisal. This has been examined by PKC Structures and Flooding, in terms of flood risk and drainage.
- 66 The Surface Water Drainage Strategy proposes combining a series of SUDS features to control the flow rate and volume of runoff, while reducing the concentration of contamination being discharged into the receiving watercourse or groundwater. These include a filter blank, infiltration trenches and soakaways.
- 67 No issues or concerns have been raised in terms of flood risk or the drainage strategy and as a result the proposal is considered to comply with LDP2 Policies 52 – New Development and Flooding; and 53 – Water Environment and Drainage.

Contaminated Land

- 68 A search of the historical mapping by the Council's Land Quality Officer has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination.
- 69 It will be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development. As a consequence, the proposed application is considered to comply with LDP Policy 58 – Contaminated and Unstable Land.

Conservation Considerations

- 70 The applicant has submitted a Cultural Heritage Assessment and Landscape and Visual Impact Assessment (LVIA) as part of their Environmental Appraisal of the application and has been examined by Historic Environment Scotland (HES), Perth and Kinross Heritage Trust (PKHT) and PKC Conservation Planning.

Scheduled Monument

- 71 Carpow, Roman Fortress Scheduled Monument (SM2275) is within 500 metres east of the proposed site, and no direct impacts on it are predicted. Potential indirect impacts are however predicted on the setting of the Scheduled Monument, from the visual effects of the proposals. HES have considered the information submitted and have not raised any issues with the regard the impact of the proposal on the Scheduled Monument. The proposal is considered to comply with LDP2 Policy 26 - Scheduled Monuments and Archaeology.

Archaeology

- 72 With respect to archaeology, PKHT have confirmed that the proposed development does not raise any significant issues and no further archaeological mitigation is required in this instance.

Listed Buildings and Conservation Area

- 73 There are two C-listed buildings within the 1km study area, and the impact was assessed as neutral, and therefore non-significant, with no change in the magnitude of impact. Conservation Planning officers consider there is no impact the setting of the listed buildings within the study area and that the proposal complies with LDP2 Policy 27 – Listed Buildings.
- 74 A significant proportion of the Abernethy Conservation Area is within the 1km study area, but there will be very limited intervisibility with the proposal. This is due to current screening from existing topography, structures and infrastructure. The magnitude of impact is therefore predicted to be negligible, with the significance of impact assessed as 'slight adverse'. As the majority of the

Conservation Area will not have sight of the proposal, the Council's Conservation Planners are in agreement with the applicant's assessment, in that it is considered that the development will not impact upon its special qualities and the proposals are therefore considered to be in accordance with LDP 2 Policy 28 – Conservation Areas.

Natural Heritage and Biodiversity

- 75 The applicant has submitted a Biodiversity Assessment as part of their Environmental Appraisal of the application and has been examined by the Council's Biodiversity/Tree Officer.

Trees

- 76 The Council applies the principles of the Scottish Government Policy on Control of Woodland Removal, where 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.
- 77 The applicant has confirmed that 3 trees are proposed to be felled to allow the development to proceed. The Council's Biodiversity/Tree Officer has confirmed that proposed woodland planting, understory scrub planting and native species hedgerow creation are welcomed and will compensate for the loss of 3 mature trees. This will ensure compliance with LDP2 Policy 40 - Forestry, Woodland and Trees

Biodiversity

- 78 The Council also seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species, unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated or other material considerations indicate otherwise.
- 79 The Biodiversity Appraisal contains survey methods in accordance with best practice and the proposals contain a number of positive elements. This sees a Biodiversity Net Gain Assessment Report, which has been welcomed by the Council's Biodiversity/Tree Officer, as a proactive approach to ensuring biodiversity benefits are realised. The removal of invasive non-native rhododendron and the proposed provision of tree sparrow nest boxes are also welcomed. Tree sparrows being 'red listed' as birds of conservation concern and providing nesting habitat in primarily agricultural areas is a key action in the Tayside Local Biodiversity Action Plan 2016-2026.
- 80 Provided the recommendations and mitigation measures listed in section 6.7 of the Biodiversity Appraisal are adhered to the proposal complies with Policy 41 – Biodiversity (Condition 9).

Prime Agricultural Land

- 81 The site comprises prime agricultural land and LDP2 Policy 50 – Prime Agricultural Land states that development on such land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal. Even then, only when there is no other suitable site available on non-prime land.
- 82 It is clear that the project is essential for the upgrade of the existing transmission network and overall, the loss of 2.3ha of prime agricultural land adjacent to an existing substation is considered acceptable when balanced against the wider benefits of the proposal. The Proposed Development is therefore considered to comply with LDP2 Policy 50 as it meets a specific established need as a major infrastructure project required to support renewable energy generation.
- 83 In offsetting the loss of prime agricultural land, LDP2 Policy 51 – Soils, requires development on good quality agricultural soils to implement appropriate soil management measures, adopt best practice when moving, storing and reinstating soils and consider the opportunity to re-use soils necessarily excavated from the site. These requirements are proposed to be secured via Condition 12.

Developer Contributions

- 84 This proposal does not trigger any requirements for developer contributions and therefore complies with LDP Policy 5 – Infrastructure Contributions.

Economic Impact

- 85 Limited economic impact during the construction process but more substantial impact once installed and operational as it will facilitate recent renewable energy permissions to connect with the grid network.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 86 None required

DIRECTION BY SCOTTISH MINISTERS

- 87 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

- 88 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account

has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

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

RECOMMENDATION

Approve

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 a satisfactory development as indicated on the submitted drawings

2. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening or traffic management, must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

3. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. Prior to the commencement of development, a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the A913 Aberargie – Newburgh Road and U75 Ferryfield Road 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 and Kinross Council.

Reason: In the interests of road safety.

5. 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) 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 interest of proper site management

6. Prior to commencement of any development on site, a detailed design for the passing place and vehicle access on the U75 shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing place and vehicle access, as approved in writing, shall be constructed prior to or during the second key task outlined in the *Transport Statement: PT379 Abernethy Substation (SSE, October 2020; Page 5)*, "Establishing a suitable laydown area for materials and build temporary access tracks", in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety and free flow traffic.

7. Prior to the commencement of works the requirement for, or extent of, any temporary removal or lowering of bridge parapets, boundary walls and structures adjacent to the public network and the temporary hardening of

verges to aid the passage of abnormal loads and construction vehicles shall require Technical approval from Perth & Kinross Council.

Reason: In the interests of road safety and the safe transportation of the abnormal load.

8. 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.

9. The conclusions and recommended action points within the supporting Biodiversity Assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

10. 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 protect ecological interests.

11. Prior to commencement of development, a pre-works check must be undertaken by a suitably trained and experienced ecologist to ascertain the presence of protected species and submitted for the approval of the Planning Authority.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

12. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The 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 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.
5. 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.
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 should take note of the information and advice contained within the consultation response from Scottish Water.
8. A record of condition of the structures as well as roads should be prepared prior to the commencement of development and Perth & Kinross Council

Structures Inspector should be invited to attend the inspection to agree the baseline.

9. Final approval of any abnormal loads will be required formally from Perth & Kinross Council's Structures department. For the avoidance of doubt, it should be noted that the bridge carrying the A913 over the Edinburgh to Perth via Fife railway line, Greenside Railway Bridge, is a Network Rail asset and they may have their own approval processes for assessment under abnormal loads.
10. An application for Building Warrant may be required.

Background Papers: None
Contact Officer: Steve Callan
Date: 22 April 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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