

Perth and Kinross Council  
Planning & Development Management Committee – 15 December 2020  
Report of Handling by Head of Planning & Development (Report No. 20/243)

**PROPOSAL:** Erection of an energy from waste facility including ancillary buildings, formation of vehicular access, infrastructure, landscaping, drainage and associated works

**LOCATION:** Binn Farm, Glenfarg

Ref. No: [20/01242/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. There are no material considerations apparent which outweigh the Development Plan.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Binn Farm Eco Park comprises 7.2ha area of land located approximately 8km south east of Perth, 4km south west of Abernethy and 3.5km north east Glenfarg. The site is accessed via the A912 which connects to the M90 motorway via Junction 9. The overall site lies within a sparsely populated, upland rural area and is located within a valley between Binn Hill and Dumbarrow Hill. The proposed site is located 400m south of the main Binn Farm complex and is immediately adjacent to the access road. A limited number of farmhouses and isolated properties are located around the fringes of Binn Farm, with the closest approximately 350m away (West Bungalow), and these properties are under the ownership of Binn Farm. The nearest residential property not owned by Binn Farm is Balvaird Byre Cottage, some 650m south of the proposed site. The Bein Inn public house is 1km south west of the proposed site. Both are shielded by a hillside lying between the property and the proposed development.
- 2 Binn Farm is identified in Local Development Plan 2 2019 (LDP2) for the expansion of waste management uses. The Binn Farm complex currently contains the following facilities:
  - A Materials Recovery Facility (MRF) for processing industrial/commercial waste;
  - A soils and aggregates processing centre;
  - A Dry Mixed Recyclate (DMR) facility processing dry recyclables;
  - A high temperature In-Vessel Composting (IVC) facility to process a range of organic materials including kitchen waste and animal by-products;
  - A green waste wind-row composting operation;
  - An Anaerobic Digestion (AD) facility processing food waste; and A Solid Recovered Fuel (SRF) facility for the production of waste fuels from residual waste.

- 3 Planning permission was previously approved for an Energy from Waste (EfW) facility at the site proposed here. In 2007 permission for an EfW with a capacity of 60,000 tonnes per annum (tpa) and an adjacent MRF with a 16,000tpa capacity was approved (Ref: 06/01427/FUL) and in 2011 a further permission for an EfW was approved, for a facility with 60,000tpa capacity (Ref: 10/01767/FLM). Both permissions have been implemented but neither facility has been constructed. The main building complex from the 10/01767/FLM approval measures 160.6m long, 89.8m wide and 20.8m in height at its greatest extent. The MRF approved under the 2007 permission will not be built, as this has since been developed elsewhere on the wider Binn Farm site.
- 4 The applicant is now seeking permission for an amended EfW facility, which includes a new design and an increase in the maximum waste tonnage from previous schemes, to 84,900tpa. The proposed development would be a single line combustion plant based around a main building which would contain the following facilities:
  - Waste reception hall;
  - Waste bunker;
  - Boiler hall; and
  - Substation.
- 5 In addition to the main building, there would be additional structures and ancillary elements:
  - Air-Cooled Condenser (ACC);
  - Turbine enclosure;
  - Offices, a workshop, stores and staff welfare facilities; vehicle weighbridges;
  - transformer / sub-station (within its own enclosure);
  - Air Pollution Control reagent (APCr) silos;
  - water treatment / demineralisation plant and a fire water tank / pump;
  - site fencing and gates;
  - service connections;
  - surface water drainage;
  - external hardstanding areas for vehicle manoeuvring;
  - lighting and CCTV;
  - internal access roads and car parking; and
  - new areas of hard and soft landscaping.
- 6 The proposed main building will be 99.1m in length with a width varying between 27m and 50.9m. The building is divided into the various process areas all sitting under three roofs. The main roof (over the boiler hall) responds to the height of the mechanical and process equipment contained therein and is 40m high; the second roof sits over the waste bunker and is 30m high and the final lowest roof, over the waste reception hall, is 17.10m high. The administration / office space and workshop would be a sperate block located to the west of the main building. The emissions stack (chimney) would be located adjacent to the southern elevation of the building and would be 70m in height (218.9m AOD).

- 7 The air-cooled condenser (ACC) would comprise a separate structure to the south of the boiler hall. The ACC is separated from the main building in order to allow sufficient air flow into the condenser unit. The ACC would be 29.3m in length and 14.6m in width and would be circa 20m high (169.40m AOD). The turbine enclosure would be located to the east of the ACC and would be 13.1m in length, 5.1m in width and 10m high (159.90 AOD).
- 8 The proposed development would have a design life of 30 years and installed electricity generating capacity of approximately 8.6 MW. Approximately 1.3 MW of the electricity generated would be used in its operation and the remaining electricity, approximately 7.3 MW, a significant proportion of which would be renewable electricity, would be exported to the local electricity distribution network. The proposed development would also be designed to enable heat (in the form of hot water) to be generated from the electricity generation process (via a heat exchanger) for use by local heat users on the Binn Farm complex.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 9 The proposal was screened as EIA development in August 2019, 19/01149/SCRN). An EIA Report has been submitted with this application, addressing the significant environmental impacts and Section E of this report sets out the acceptability of the EIA.

### **PRE-APPLICATION CONSULTATION**

- 10 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community.

### **NATIONAL POLICY AND GUIDANCE**

- 11 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**

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

#### **Scottish Planning Policy 2014**

- 13 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

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

- Sustainability: 24 – 35
- Placemaking: 36 – 57
- Promoting Rural Development: 74-83
- Valuing the Historic Environment: 135-151
- Delivering Heat and Electricity: 152-174
- Planning for Zero Waste: 175-192
- Valuing the Natural Environment: 193-218

### **Planning Advice Notes**

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

PAN 1/2011 Planning and Noise;  
PAN 2/2011 Planning and Archaeology;  
PAN 1/2013 Environmental Impact Assessment;  
PAN 40 Development Management;  
PAN 51 Planning, Environmental Protection and Regulation;  
PAN 60 Planning for Natural Heritage;  
PAN 61 Planning and Sustainable Urban Drainage Systems;  
PAN 63 Waste Management Planning;  
PAN 68 Design Statements;  
PAN 75 Planning for Transport;  
PAN 77 Designing Safer Places.

### **Other National Policy and Guidance**

#### **Climate Change Act 2009**

16 The Climate Change (Scotland) Act (2009) sets out the key commitments of the Scottish Government in reducing greenhouse gas emissions and moving towards a low carbon economy. The Act provides the statutory framework for reducing emissions through the target of an 80% reduction from 1990 levels by 2050. In the shorter term the Act specifies an interim emissions target of at least 34% by 2020, increasing to 42% reduction by 2020 (if the European Union amends the current target). These targets have also been recognised in current Scottish Planning Policy.

### **Scotland's Zero Waste Plan 2010**

- 17 The Scottish Governments Zero Waste Plan aims to provide a framework for investment over the next ten years and sets out key areas of activity and priorities for the next five years. The Zero Waste Plan is not exclusively for municipal waste, as it covers all 20 million tonnes of Scotland's waste.

### **The Waste (Scotland) Regulations (2012)**

- 18 The introduction of the Waste (Scotland) Regulations (2012) came into force in 2014. The Regulations:
- 1) require source segregation and separate collection of specified waste materials from households and businesses;
  - 2) restrict input to landfill (effectively banning materials which could be easily re-used, recycled or used to produce energy); and
  - 3) restrict inputs to Energy from Waste facilities (effectively banning materials which could be easily re-used or recycled).

### **SEPA Thermal Treatment of Waste Guidelines (2014)**

- 19 The Thermal Treatment of Waste Guidelines (2014) set out SEPA's role in planning and approach to the permitting of thermal treatment of waste facilities that recover energy from municipal and/or commercial and industrial waste.

### **Draft Scottish Energy Strategy: The Future of Energy in Scotland 2017**

- 20 The draft Energy Strategy looks at:
- A whole-system view – consideration of Scotland's energy supply and consumption as equal priorities, and the building of a genuinely integrated approach to power, transport and heat;
  - A stable, managed energy transition –ensuring Scotland has secure and affordable energy supplies as our energy system is decarbonised in line with Scotland's long term climate change targets; where Scottish Government continues to support innovation and expertise from oil and gas, the deployment of renewable energy technologies, and the development of more innovative and low-cost ways of producing, storing and transmitting energy; and,
  - A smarter model of local energy provision – promoting local energy, planned with community involvement and offering community ownership of energy generation.

### **Ministerial Statement on Landfill Ban (Sept 2019)**

- 21 Scottish Environment Secretary Roseanna Cunningham revealed on 19 September 2019 that she would be delaying full implementation of the landfill ban (as set out in the Waste Regulations (Scotland) 2012) until 2025. Ms Cunningham claimed the decision had been made due to concerns that Scottish residual waste would be sent across the border to be landfilled in

England, as some local authorities and commercial operators had not made sufficient progress towards complying with the ban.

## **DEVELOPMENT PLAN**

- 22 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**

- 23 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.”*

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

Policy 2: Shaping Better Quality Places

Policy 3: Managing TAYplan’s Assets

Policy 6: Energy and Waste/Resource Infrastructure

### **Perth and Kinross Local Development Plan 2019**

- 25 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 26 The principal relevant policies are, in summary;

Policy 1: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 7: Employment and Mixed-Use Areas

Policy 8: Rural Business and Diversification

Policy 14: Open Space Retention and Provision

Policy 15: Public Access

Policy 23: Delivery of Development Sites

Policy 26: Scheduled Monuments and Archaeology

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 33: Renewable and Low Carbon Energy

Policy 34: Sustainable Heating &Cooling

Policy 35: Electricity Transmission Infrastructure  
Policy 36: Waste Management Infrastructure  
Policy 37: Management of Inert and Construction Waste  
Policy 38: Environment and Conservation  
Policy 39: Landscape  
Policy 40: Forestry, Woodland and Trees  
Policy 41: Biodiversity  
Policy 42: Green Infrastructure  
Policy 52: New Development and Flooding  
Policy 53: Water Environment and Drainage  
Policy 55: Nuisance from Artificial Light and Light Pollution  
Policy 56: Noise Pollution  
Policy 57: Air Quality  
Policy 58: Contaminated and Unstable Land  
Policy 60: Transport Standards and Accessibility Requirements  
Policy 61: Airfield Safeguarding

### **Other Policies**

### **Perth and Kinross Waste Management Plan (2010 - 2025)**

- 27 The Perth and Kinross Council Waste Management Plan has been developed to take account of Scotland's Zero Waste Plan and provides clear strategic direction for municipal waste management in Perth and Kinross over the next 15 years.

### **RELEVANT SITE HISTORY**

- 28 The following planning history is relevant:

90/00330/FUL Planning Permission for formation of waste tip was approved May 1990.

01/00395/FUL Planning Permission for the erection of landfill gas powered electricity generating station was approved June 2001.

01/00464/FUL Planning Permission for a change of use of cattle court and field to waste recycling centre was approved June 2001.

05/01224/FUL Planning Permission for the extension to an existing landfill gas electricity generation station was approved March 2006.

[06/01427/FUL](#) Planning Permission for a 60,000 tonne per annum energy from waste plant together with a materials reclamation facility with 16,000 tonne per annum capacity, associated infrastructure and landscape works was approved September 2007.

[10/01767/FLM](#) Planning Permission for a 60,000 tonne per annum energy from waste facility (using gasification technology) and associated infrastructure and landscaping works was approved November 2011.

19/01149/SCRN Screening Opinion to increase in capacity of EfW facility from 60,000 tonnes pa to 84,900 tonnes pa. Decision Issued 23 August 2019 confirming EIA required.

[20/00004/PAN](#) Proposal of Application Notice (PoAN) for erection of an energy waste facility and associated works. Decision Issued April 2020.

## **CONSULTATIONS**

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

### **External**

30 **Scottish Environment Protection Agency:** No objection, subject to condition on stack height being a minimum of 70 metres.

31 **NatureScot:** No objection.

32 **Historic Environment Scotland:** No objection, following updated assessment on Balvaird House Scheduled Monument.

33 **Scottish Water:** No objection.

34 **Scottish Forestry:** No objection.

35 **RSPB:** No comments received.

36 **Perth And Kinross Heritage Trust:** No objection.

37 **Dundee Airport Ltd:** No objection.

38 **Abernethy Community Council:** No comments received.

39 **Earn Community Council:** Expressed concern regarding air quality, emissions from the proposed stacks, odour, noise pollution, potential discharge into water courses and traffic impact.

### **Internal**

40 **Structures and Flooding:** No objection, following submission of an outline drainage plan.

41 **Environmental Health:** No objection. Noise, odour and air quality will be controlled and regulated by SEPA and regulated through their Pollution, Prevention and Control (PPC) permit process.

42 **Transport Planning:** No objection, following confirmation about trip rate distribution.

43 **Development Negotiations Officer:** No developer contribution is required in this instance.



- 44 **Biodiversity/Tree Officer:** Informally advised of some concerns regarding the lack of a Biodiversity Action Plan and an Invasive Non-Native Species Control Plan is required.
- 45 **Commercial Waste:** No comment.
- 46 **Community Greenspace:** No objection.

## REPRESENTATIONS

- 47 None received.

## ADDITIONAL STATEMENTS

48	Screening Opinion	EIA Required (19/01149/SCRN)
	Environmental Impact Assessment (EIA): Environmental Report	Submitted
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Planning Statement Submitted

## APPRAISAL

- 49 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The 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 Scottish Governments, SEPA and the Council's other approved policies and guidance on energy and waste management.

### Principle

- 50 The proposed site is identified in LDP2 to offer potential for expansion of waste management facilities, both in terms of physical size and the range of uses and types of processes undertaken. LDP2 is supportive of development of new technologies and processes at the site relating to zero waste and the circular economy. It is also supportive of employment and economic growth through clustering of waste industries and downstream industries.
- 51 As a result, of the site's location, the existing uses and the identification in LDP2, the principle of the proposed EfW facility is considered acceptable. It is compatible with and complementary to existing facilities and processes at Binn Farm and will allow the business to continue to expand and evolve as waste management facilities continue to change and improve.

- 52 The principle of developing an EfW facility on the application site has also been established through the existing planning permissions (Refs: 06/01427/FUL and 10/01767/FLM). The application site boundary and design is consistent with these planning permissions; such as a maximum building height of 40m to the ridge, and a maximum stack height of 70m. The principle of the proposal is therefore acceptable.

### **Need**

- 53 The proposed development will accept non-hazardous, mixed residual local authority collected wastes (LACW) and mixed residual wastes of similar composition from commercial/industrial sources (C&I waste). It would also accept suitable process residues from off-site treatment plants and usable elements of construction and demolition (C&D) waste.
- 54 The proposed EfW facility will have the ability to accommodate waste management for local authorities throughout Scotland. This will make an important contribution to the Scottish Government's low carbon energy targets, by recovering energy from residual waste, and provide alternative infrastructure to address the impending landfill ban for residual municipal waste. The landfill site at Binn Farm has been closed since 2014 and has been fully restored.
- 55 The need for the scheme was confirmed with the granting of the previous EfW facilities and this application seeks to increase the annual tonnage throughput. The greater throughput is aimed at resolving increased demand for local authority residual waste treatment as the impending national landfill bans will require additional capacity to address a wider range of wastes including both LACW and C&I waste. The proposal seeks to comply with the Scottish Governments Zero Waste Plan and in turn complies with TAYplan Policy 6 - Energy and Waste/Resource Infrastructure and LDP2 Policy 36 – Waste Management Infrastructure.

### **Carbon Reduction/Sustainability**

- 56 A detailed carbon assessment was undertaken and submitted with the application. It assessed the carbon impact of processing waste in the EfW facility compared to disposal in a landfill, as this is still the most likely alternative destination for the waste. The proposed facility is predicted to lead to a net reduction in greenhouse gas emissions of between approximately 8,903 and 16,111 tonnes of CO<sub>2</sub>-equivalent (CO<sub>2</sub>e) per annum compared to the landfill.
- 57 Energy from waste is classified as a low-carbon form of electricity production. In combination with the four on-site wind turbines, the construction of the EfW facility will enhance low carbon energy generation and both will offset carbon emissions from existing diesel generators used at the site. The energy produced by the facility will be 8.6mW per annum, with 1.3mW for use within the Binn Farm complex and the excess (7.3mW) will be exported to the national grid (Condition 16).

- 58 This carbon reduction and low carbon electricity production will ensure compliance with LDP2 Policy 33 – Renewable and Low Carbon Energy.

### **Location, Design and Setting**

- 59 The revised design considers the increased tonnage capacity and technological processing improvements since the previously approved facilities. It is also important to recognise that the two extant approvals are for larger scale EfW facilities (13,880 sqm and 7,500 sqm) compared to what is being proposed here (4,800 sqm). The new proposal is now substantially smaller in overall scale but with extra capacity to process more waste in a more efficient manner. The proposed location has already been examined and deemed to be acceptable. There are no material changes or concerns in respect of the proposed location, with the design of the scheme enabling it to sit comfortably within the site and surrounding landscape. Overall, it is a more positive design with less visual impact when compared to previous extant permissions.
- 60 The proposed design seeks to minimise the scale (height and volume) of the main building and the overall footprint. A range of cladding colours is proposed to break up the massing of the main building and assist in blending it into its setting. The proposed design and layout will provide a logical and efficient linear process arrangement, and this is considered to be acceptable.
- 61 Minimising the extent of external plant and equipment and establishing a coherent family of buildings will ensure that it mitigates its visual impact and developing a successful landscaping and woodland screen will also visually protect the site (Conditions 10 and 12).
- 62 The proposed design and layout has been developed to respond to the key site constraints and overall the location, design and layout is considered acceptable to ensure compliance with LDP 2 Policy 1 – Placemaking.

### **Landscape and Visual Impact**

- 63 The visual impact and its impact on the surrounding landscape has been examined in previous EIAs and the impact was considered acceptable. The application is at the same location but smaller in scale than previous permissions. The site sits within a bowl in the surrounding landscape and other than the top of the proposed stack, it will not be easily visible to the surrounding area. The visual impact and impact on the landscape is not considered to be adverse and is consistent with other uses and facilities with Binn Farm.
- 64 It is recognised that, given the nature of the proposal and even with a smaller scale of development, it will be impossible for it to be entirely 'hidden' from view. The proposal has been designed to fit within its immediate setting of Binn Farm and has followed a function design approach that recognises its presence while at the same time giving due consideration to mitigating its impact upon its surroundings.
- 65 In terms of the existing Binn Farm complex, the proposal does not cause any significant adverse landscape or visual impact. The introduction of new planting

and woodland around the proposed facility is considered a positive addition and overall, the proposal complies with LDP2 Policy 39 – Landscape.

## **Residential Amenity**

### Air Quality

- 66 EIA Report Chapter 7 examines air quality impact and the emissions from the stack. Detailed dispersion modelling of emissions has been undertaken and the significance of effect on human health and ecological receptors is predicted to be 'not significant'. This chapter has been assessed by both SEPA and Environmental Health.
- 67 SEPA advise that the risk of an exceedance of air quality emissions standards from the proposed facility is low and this satisfies the requirements of the planning application. They do, however, advise that the applicant will need to do more work at the Pollution Prevention Control (PPC) permitting stage before they can operate the facility. Additional air modelling will be required at PPC permitting stage and dust emissions from the bag filter and silos which are located outside will need to be enclosed.
- 68 SEPA have also assessed the proposed stack height of 70m and they consider it is satisfactory. They request that a planning condition requiring a minimum stack height of 70m be applied to any permission (Condition 4). This will ensure that the stack height does not need to be revisited at the PPC permitting stage.

### Odour

- 69 The EIA predicts that the proposed development has the potential to cause impacts associated with the release of dust and odour. Analysis of impact from dust and odour has also been undertaken and takes into account the control measures in place and the distance to the nearest receptors. The EIA concluded that the impact of the operation would not be significant. SEPA advise that whilst they have not raised an issue regarding odour. Further odour modelling will be required at the PPC permitting stage before they can operate the facility.
- 70 Following the PPC permitting process, the proposed development is not predicted to give rise to significant environmental effects on air quality, human health and odour and complies with LDP2 Policy 57 – Air Quality.

### Noise

- 71 EIA Report Chapter 6 examines the Noise Impact Assessment (NIA) - construction and operation, which has been examined by both SEPA and Environmental Health.
- 72 For both construction and operational noise, a robust assessment of baseline sound levels has been considered, which excludes the effects of local permitted development to ensure that a worst-case scenario has been presented. The

assessment shows construction noise under worst case conditions and the noise related environmental effects of the construction period would be neutral.

### Construction Noise

- 73 The EIA advises measures including restriction on operating hours, sensible routing of equipment to site and careful choice of piling rigs to minimise noise will be required. Such measures can be defined within a Construction Environment Management Plan (CEMP) (Condition 8).
- 74 To ensure there will be control measures in accordance with appropriate standards to minimise the generation of noise from all noise generating operations at the construction stage this should be included within a Construction Management Environmental Plan (CEMP) (Condition 8). This will ensure the proposal will comply with LDP2 Policy 56 - Noise Pollution.

### Operational Noise

- 75 Noise from the operation of the development have been assessed in accordance with BS4142:2014+A1:2019 – '*Method for rating and assessing industrial and commercial sound*'. The EIA advises that the assessment indicated that the impact would range from low to adverse and the agreed permissible levels would be exceeded at receptors 2 (West Bungalow) and 3 (Balvaird Byre Cottage) for daytime and nighttime periods.

### **Permissible Noise Levels**

Receptor	Daytime LAeq1hr dB	Night- time LAeq15mins dB
R1. Gamekeepers Cottage	40	30
R2. West Bungalow	45	43
R3. Balvaird Byre Cottage	32	30
R4. Bein Inn PH	40	36

- 76 The EIA advises that further mitigation measures are required to show compliance with agreed levels (section 6.7) and ensure that the resultant noise levels are within appropriate guidance, standards and agreed noise limits. As such, the NIA concluded that there would be no significant impact during the operation of the proposed development and the noise and vibration related environmental effect of the development would be negligible to slight.
- 77 Environmental Health agree with the NIA findings but advise that noise from the operations of the development will be controlled through the PPC permission and regulated by SEPA. This means that any potential noise complaint, should it arise, would fall under the remit of SEPA.
- 78 However, previous permissions for a waste facility at the site conditioned the control of delivery times to the site to protect residential amenity at nearby properties from noise. Environmental Health therefore recommend a similar condition for this proposed development (Condition 3).

- 79 SEPA advise that, whilst the NIA uses old data as a background, it does demonstrate that there are no significant issues expected. A detailed Best Available Techniques (BAT) assessment will be required at the PPC permitting stage which includes locations of key pieces of equipment, design, enclosure decisions, technical measures to be used etc.
- 80 Subject to appropriate planning conditions (Conditions 3 and 8) and following the PPC permitting process, the proposed development is not predicted to give rise to significant environmental effects on residential amenity and complies with LDP2 Policy 56 – Noise Pollution.

### **Roads and Access**

- 81 EIA Report Chapter 9 assesses Traffic and Transport and has been reviewed by the Council's Transport Planning team. The proposed development has been designed with features that would encourage the use of non-car modes of transport. These include the provision of:
- Secure cycle parking for bicycles;
  - Staff shower, changing and locker facilities; and
  - Staff food preparation areas to encourage staff to remain on-site during working hours.
- 82 Sustainable transport is encouraged through the implementation of a Travel Plan (Condition 5). To manage traffic during construction, a Construction Traffic Management Scheme (CTMS) is required to ensure that suitable mitigation measures are adopted to manage any adverse effects of construction (Condition 7).
- 83 Delivery and servicing of the proposed EfW facility would be supported by HGVs; with 70% of these transporting up to 20 tonnes of waste each and 30% transporting 5 tonnes of refuse waste. There will also be movements from the export of waste, accounting for 24% of throughput tonnage. It is anticipated that this would translate to approximately 5 HGV vehicles per hour delivering to the site with a daily demand of 32 inbound and 32 outbound trips on weekdays and 16 each way on a Saturday. Cars would account for a further 76 trips each way. Section 9 of the Transport Statement advised that no deliveries or collections, other than those generated locally, would be routed along the B996 to avoid amenity and road impacts on Glenfarg or Gateside. Concerns were expressed from Transport Planning about this road being potentially used, given the shorter distances compared to the M90 Junction 9 route. The applicant advised that, given the nature of waste sources, it is not possible to model all transport routes. However, they have stated their commitment to operating the site in a manner that would avoid using routes other than via the M90 Junction 9. Therefore, a planning condition is proposed to encourage all HGV traffic movements on the local network route to and from the site to use the A912 (to the north of the Site) via Junction 9 of the M90. This would thereby avoid the residential settlements of Glenfarg and Gateside that are located to the south (Condition 5).

- 84 Given the review of anticipated future operational road conditions and reference to appropriate guidance, it is concluded that the proposed development would not result in a significant impact on operational or environmental conditions over the local transport network during construction or operation and there is no requirement for off-site transport improvement / mitigation works.
- 85 In summary, the traffic and transport related environmental impacts of the proposed development is not considered to be significant.
- 86 Overall, subject to conditions 5, 6 and 7, the proposal does not raise any transport issues and complies with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

## **Drainage and Flooding**

### Drainage

- 87 The proposed site layout shows one attenuation pond and two small scale wetland creation areas. SEPA advise that this plan does not detail whether either of these are part of the site's SUDS treatment train and, if they are, where the water is coming from or consequently being discharged to. An Outline Drainage Plan was subsequently submitted and assessed by SEPA and the Council's Structures and Flooding team.
- 88 SEPA advise that site SUDS and the associated discharge will be dealt with by way of the PPC permit and as such, further detail will be required on treatment of surface water from the site at the time of permitting.
- 89 In designing the SUDS the developer will need to show that the level of treatment is commensurate with the Simple Index Approach for SUDS (SIA) set out in the CIRIA SUDS Manual. As such it is unlikely that a pond alone would offer sufficient treatment of the site's drainage, all aspects of which should pass through the SUDS system (roofs, loading bays, car parks, storage areas etc) and meet the level of treatment required by the SUDS Manual. As such it may be that this limited approach to SUDS might need to be reviewed at the PPC permitting stage in order provide enough treatment. The Council's Structures and Flooding team have recommended conditions relating to temporary and permanent SUDs provision. Scottish Water have no objections to the proposal in relation to the water supply and waste water capacity.
- 90 Subject to planning conditions, the proposal accords with LDP2 policies 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage (Conditions 14 and 15).

## **Conservation Considerations**

- 91 Historic Environment Scotland (HES) initially objected based on insufficient information to understand whether there would be any significant adverse impacts on the setting of Balvaird Castle, a Scheduled Monument (ref: SM90027) located 1.4km south of the proposed site.

- 92 The applicant advised the EfW facility already benefits from an extant planning permission for a very similar facility approved in 2007 (06/01427/FUL). The facility in the 2007 permission has the same stack height (70m) as the proposed development and is located on the same site. The EIA submitted with 06/01427/FUL considered the effects on Balvaird Castle and found that, from the ground level curtilage, to which the majority of visitors are limited, no part of the development would be visible. From the top of the tower it may be possible to see the tip of the EfW stack, but even if the tip of the stack were theoretically visible, it is likely it would be screened by intervening vegetation.
- 93 Notwithstanding the above, the benefit of more readily available digital ground modelling has allowed the applicant to prepare a section line from Balvaird Castle to the current proposal. It shows the sight lines from the Castle at 1.5m (ground eye level) and 8m high (approx. upper window level at the Castle). It clearly shows there would be no intervisibility between the two and no impacts on the setting of the Scheduled Monument.
- 94 HES has reviewed the additional modelling and have agreed there will be no impact on Balvaird Castle Scheduled Monument and have withdrawn their objection.
- 95 In terms of archaeology PKHT confirmed that the applicant's desk-based assessment and walkover survey undertaken in 2006, found nothing of interest and the potential for archaeological remains is low. No archaeological mitigation is required in this instance
- 96 Overall, the proposal is considered to comply with LDP 2 Policy 26 – Scheduled Monuments and Archaeology in terms of impact on the Scheduled Monuments and archaeology.

### **Natural Heritage and Biodiversity**

- 97 EIA Report Chapter 5 assesses the impact on natural heritage and biodiversity, which has been reviewed by NatureScot (formerly known as SNH), SEPA, Scottish Forestry and the Council's Biodiversity/Tree Officer.
- 98 The EIA suggests that general character of the landscape is expected to be significantly changed by the proposed development, but proposed planting of trees and shrubs will help screen and green up the borders while providing a wildlife resource in the area. Wildlife corridors will enhance and link the development to existing woodland, forests and other semi-natural habitats.
- 99 The applicant also outlines that further ecological mitigation measures will be delivered as part of a wider Binn EcoPark Biodiversity Plan. This will include wetland creation to accommodate wider biodiversity including amphibians and birds. A plan of adjacent areas is proposed to be developed to meet the ecological objectives to improve, encourage, enhance and create wetland habitat.
- 100 The proposed development is predicted to have a low to negligible impact on ecological receptors, but this is dependent upon additional surveys on Great



Crested Newt (GCN) survey findings. A strategy for Great Crested Newt has been produced in relation to Torflundie SAC, by the Forestry Commission, which may be relevant if GCN are confirmed on site. An application for a licence would be required if GCN are confirmed by the eDNA technique and future surveys may then be required to determine the numbers and breeding status of GCN. It is recommended a Species Protection Plan (SPP) is produced for GCN to identify options should they be found on site. SEPA also recommend a priority habitat known as M27 – Lowland Fens is relocated within the site such as the proposed SUDs area and is overseen by an Ecological Clerk of Works (Condition 9).

- 101 NatureScot do not provide any negative comments as there are no protected areas (SSSI, SAC, SPA) within the 2km screening distance for an EfW facility of less than 20MW. The distance between the site and the nearest GCN population allows NatureScot to conclude that there is no connection with the Turflundie Wood SAC populations and therefore no likely significant effect on that site from this proposal.
- 102 Scottish Forestry are supportive of the native Oak woodland screening proposed as the site currently consists of compact earth and grassland with little vegetation or any protected habitats.
- 103 The Council's Biodiversity Officer queried why a wider Binn Farm Biodiversity Action Plan has not been submitted with the application, which is referred to in the EIA Report. While that plan is being pursued by Binn Farm, it is not considered reasonable or necessary to seek its submission for the whole complex, given the limited extent and impact of this proposal alone. Both NatureScot and Scottish Forestry have confirmed that the application site provides little biodiversity value.
- 104 Based on the information provided and feedback from key stakeholders, the conclusions of the EIA Report on the low impact on the biodiversity value is accepted and that there will be no adverse impact. With the proposed woodland screening there will be an ecological enhancement and therefore the proposal complies with LDP2 Policy 41: Biodiversity.

### **Airfield Safeguarding**

- 105 Dundee Airport have confirmed they have no objection to the proposed 70m high stack in terms of impact on their operations. The proposal will therefore comply with LDP2 Policy 61 – Airfield Safeguarding.

### **Developer Contributions**

- 106 The Council's Developer Contributions Officer has confirmed that the site is located within the Transport Infrastructure contributions zone. However, as the proposal is smaller than the scale of the extant EfW permissions, no developer contributions are required. The proposal therefore complies with LDP2 Policy 5 – Developer Contributions.

## **Economic Impact**

- 107 The EIA Report includes a Socio-Economic Impact Assessment. The total project construction costs are estimated to be around £70 million, including the plant and machinery. Over a two-year construction period, it is estimated that it will provide 200 temporary jobs which is equivalent to 20 permanent FTE jobs and generate gross value added (GVA) of around £12.6 million for Scotland. At the local level, it is estimated that the proposed construction period will create a GVA of £2.8 million in Perth and Kinross with around 50 temporary jobs.
- 108 In terms of the operational phase, it is estimated that the facility will provide 30 full-time jobs. The income generated from the estimated annual operating expenditure of £4.5 million will impact on the local and wider economy, with a GVA of £2.05 million being generated in Scotland and £972,000 of this generated in Perth and Kinross.
- 109 With the siting and location and its context within Binn Farm, it is considered that it will not have any significantly adverse effect on tourism locally or on the wider Perth and Kinross area.
- 110 The proposal represents significant capital investment in Perth & Kinross, through both the construction and operational phases. The proposal will have a significant positive effect on the economy of the local area through income generation, value added and employment opportunities.

## **LEGAL AGREEMENTS**

- 111 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 112 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 113 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations. In this case, the development proposed does not conflict with the Development Plan.
- 114 The proposed development will contribute significantly to the reduction of waste sent to landfill outwith Perth and Kinross and will provide renewable energy for local use and distribution to the grid and, lowering carbon demand. The facility will provide valuable full-time jobs, both during construction and operation, and gross value added, which provide a notable contribution to the Perth & Kinross economy. These represent significant benefits of the scheme. The EIA Report concludes that the EfW facility proposed would have no significant adverse

impacts, subject to conditional control and compliance with the requirements under the PPC regime. The location and characteristics of the physical development, being smaller in scale than the two previously approved schemes, will be contained within the Binn Farm estate and will not cause any adverse amenity or landscape impact for the surrounding area. The facility will complement the wider operations at Binn Farm and provide for the managed expansion of its capabilities, as envisaged by LDP2.

- 115 For these reasons, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

Reason: To ensure that the development is carried out in accordance with the plans approved.

2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

3. The approved Energy from Waste facility is hereby permitted to operate 24 hours a day, 7 days a week. The delivery of waste and consumables to the site shall be carried out between 0700 and 1900 Monday to Sunday only.

Reason: In the interests of residential and environmental amenity.

4. The chimney stack hereby approved as part of this development shall not be lower than 70 metres in height.

Reason: In the interest of environmental quality.

5. Prior to commencement of work on site, the applicant shall submit a Traffic Management Plan for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority. This plan should specify:
  - a) proposals that encourage all HGVs delivering or servicing to/from the Energy from Waste Facility to access the site via Junction 9 of the M90 and thereafter the northern approach to the site via the A912;
  - b) detail monitoring arrangements; and

- c) a scheme for the provision of site notices at the Binn Farm access off the A912, to alter drivers to follow the preferred route.

Once approved, site delivery and servicing shall be undertaken in accordance with the approved Traffic Management Plan.

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

- 6. All heavy commercial vehicles carrying bulk materials or waste into and out of the site during the construction, operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.

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

- 7. Prior to the commencement of the development hereby approved, the applicant shall submit for the 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) for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;

- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

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

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

8. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures for the control of dust and noise and construction method statements, including specific measures for environmental monitoring during the construction, shall be submitted for the further written agreement of the Council Planning Authority in consultation with Environmental Health and/or SEPA.

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

9. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the proposed development. The ECoW shall have responsibility for the following:
  - a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
  - b) Implementation of biodiversity improvements including retention of M27 priority habitat for use elsewhere within the site.
  - c) Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
  - d) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
  - e) Prior to the commencement of development, they shall provide an environmental/ecological tool box talk for construction staff.
  - f) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
  - g) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
  - h) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
  - i) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

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

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

10. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

11. All external lighting shall be sufficiently screened and aligned 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

12. 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.

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

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

13. The conclusions and recommended action points within the supporting Invasive Species Report submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

15. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

16. Prior to the acceptance of any waste for treatment at the facility the operator shall have written permission from the relevant competent authority to export electricity to the National Grid and have a physical connection in place such that power generated for export can be sent to the National Grid from the commencement of operations.

Reason: To ensure onward grid connection.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
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.  
[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood\\_Risk\\_and\\_FRA\\_-\\_June\\_2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)
6. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant is advised that in terms of Sections 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.
9. The site will be regulated by SEPA under the Pollution Prevention and Control (PPC) Regulations. As such the applicant will require to apply to SEPA for a permit to operate under these Regulations.
10. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland



water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

11. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
12. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site.

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).

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

Background Papers: 0 letters of representation.

Contact Officer: Steve Callan 01738 475337

Date: 3 December 2020

## **E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION**

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The application submitted an EIA Report dated August 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.

The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:

- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport
- Scheduled Monument of Balvaird Castle

The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Woodland Planting and Landscaping
- Assessment of visual impact on Scheduled Monument
- Construction and Environment Management Plan (CEMP)
- Construction Traffic Management Scheme (CTMS)
- Travel Plan
- SUDs
- Air Quality Assessment
- Noise Assessment
- Habitat Assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15 as set out herein, the proposal is acceptable and can be approved.

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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