

Perth and Kinross Council
Planning & Development Management Committee – 13 January 2021
Report of Handling by Head of Planning & Development (Report No. 21/1)

PROPOSAL: Employment use development (Class 4, 5 and 6) and associated works (LDP2 allocated site E38)

LOCATION: Land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth

Ref. No: [19/02033/IPM](#)
Ward No: P11 - Perth City North

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 would warrant departing from the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site comprises approximately 15 hectares (ha) of agricultural land, bordered by primarily by Inveralmond Industrial Estate to the north (across Ruthvenfield Road) and to the east. The B993 Bertha Park link road defines the western boundary, this mainly serves the ongoing Bertha Park development further to the north. That road also forms part of the first phase of the Cross Tay Link Road (CTLR) project – the A9/85 junction. The A9 trunk road lies to the south. To the north-west, across Ruthvenfield Road is the Double Dykes Gypsy/Traveller site and beyond the proposed Almond Valley Village development area.
- 2 The application site forms the majority of the Local Development Plan 2 (LDP2) allocation known as 'E38' (23.6ha), which is identified for employment uses.
- 3 Planning Permission in Principle (PPP) is sought to provide a mix of Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses and related access, landscaping, drainage and other infrastructure. As required by the site-specific requirements of its allocation in LDP2, an indicative masterplan has been submitted. This indicates buildings combining to provide around 30,000sqm of floorspace. Two road junctions are proposed, the primary access off Ruthvenfield Road to the north and the second would see a continuation of Ruthvenfield Way from the existing employment area to the east.

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 (18/01958/SCRN). Having considered the

proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposal is EIA development. An EIA Report has been submitted and an assessment of the report's findings and significant environmental effects is provided in the appraisal section below.

Pre-Application Consultation

- 5 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 was required to undertake formal pre-application consultation with the local community and a Report on this supports the application.

National Policy and Guidance

- 6 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

- 7 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

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Valuing the Natural Environment: 193 – 218
 - Maximising the Benefits of Green Infrastructure: 219 – 233
 - Managing Flood Risk and Drainage: 254 – 268
 - Promoting Sustainable Transport and Active Travel: 269 – 291.

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning.

Designing Streets 2010

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

Creating Places 2013

12 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

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

Development Plan

14 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

15 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.”

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application;
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice for Investment
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets
 - Policy 10: Connecting People, Places and Markets.

Perth and Kinross Local Development Plan 2

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 4: Perth City Transport and Active Travel
 - Policy 5: Infrastructure Contributions
 - Policy 7: Employment and Mixed Used Areas
 - Policy 15: Public Access
 - Policy 21: Gypsy/Traveller Sites
 - Policy 23: Delivery of Development Sites
 - Policy 26: Scheduled Monuments and Archaeology
 - Policy 27: Listed Buildings
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 34: Sustainable Heating &Cooling
 - Policy 38: Environment and Conservation
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 47: River Tay Catchment Area
 - 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.

LDP2 Allocation

19 E38 Ruthvenfield Road 23.6ha Employment uses (core)

Site-Specific Developer Requirements

- A Masterplan setting out the phasing and the comprehensive development of the whole of this site is required at the time of any planning application.
- A Flood Risk Assessment will be required. Areas protected by the Flood Protection Schemes should be subject to appropriate mitigation measures including water resistance, and water resilience measures and evacuation procedures.
- Perth Area contribution to road infrastructure (A9/A85 junction improvements required at commencement of development) (phasing details to be agreed).
- Facilities to enable expansion area to be connected to Perth's bus network.
- Tree survey required: integration of existing landscape framework into the development to the site and in particular the protection of woodland so that it forms the backdrop to the development.
- Integration of existing landscape framework into the development.
- Network of paths and cycle routes providing good active travel links.
- Green corridors in particular along the River Tay to link the site with Perth and wider countryside.
- Enhancement of biodiversity.
- Energy Statement is required investigating the potential for the provision of, and/or extension to, a heat network to serve the development. The Energy Statement will be expected to consider possible linkages to site H319.
- Area of archaeological potential, investigation required.

Other Policies

- 20 Tay Cities Region Economic Strategy 2019-2039.
- 21 Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016.

Relevant Site History

- 22 [17/00551/SCRN](#) EIA Screening for development of site for business, industrial and storage use and associated works. Decision Issued May 2017 – EIA Required.
- 23 17/00004/PAN Proposal of Application Notice (PoAN) Commercial development (classes 1, 3, 4, 5, 6 and car showroom sui generis), landscaping, vehicular access and associated works. Approved May 2017.

- 24 [18/00006/PAN](#) Proposal of Application Notice (PoAN) Erection of industrial units (classes 4, 5 and 6), formation of SUDS, landscaping and associated works. Approved July 2018.
- 25 [18/01958/SCRN](#) EIA Screening for employment development (Class 4, 6 and 6) and associated works. Decision issued November 2018 – EIA Required.

CONSULTATIONS

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

External

- 27 **Scottish Environment Protection Agency:** No objection.
- 28 **NatureScot:** No objection.
- 29 **RSPB:** No comments received.
- 30 **Transport Scotland:** No objection. A condition relating to strategic road infrastructure developer contribution will be required.
- 31 **Scottish Water:** No objection. There are no water or foul water capacity issues at present time.
- 32 **Historic Environment Scotland:** No objection. Any impact on cultural heritage assets in area is not significant.
- 33 **Perth and Kinross Heritage Trust:** No objection. Recommend a standard archaeology condition is applied with any permission.
- 34 **Health and Safety Executive:** No objection.
- 35 **Methven Community Council:** No comments received.
- 36 **Tulloch Residents Association:** No comments received.

Internal

- 37 **Structures and Flooding:** No objection. A drainage condition is requested.
- 38 **Environmental Health:** No objection. Conditions are requested for applied for acoustic, air quality and residential amenity reasons.
- 39 **Land Quality:** No objection.
- 40 **Transport Planning:** No objection. Conditions for road and pedestrian safety and public transport provision are requested.
- 41 **Development Negotiations Officer:** Transport infrastructure contributions will be required at detailed application stage. A condition seeking this contribution, which recognises the current economic situation, is requested.

- 42 **Planning and Housing Strategy:** Advise that the proposal complies with LDP2 allocation and the site-specific requirements.
- 43 **Biodiversity/Tree Officer:** No objection. Standard biodiversity conditions are requested relating to: protection of animals and a biodiversity action plan.
- 44 **Commercial Waste Team:** No objection.
- 45 **Community Greenspace:** No comments received.

Representations

- 46 No representations have been received.

ADDITIONAL STATEMENTS

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| 47 | Screening Opinion | EIA Required (18/01958/SCRN) |
| | Environmental Impact Assessment (EIA): Environmental Report | Submitted |
| | Appropriate Assessment | HRA Not Required AA Not Required |
| | Design Statement or Design and Access Statement | Submitted |
| | Report on Impact or Potential Impact | <ul style="list-style-type: none"> • Masterplan • Transport Assessment; • Viability Assessment; • Energy Statement; • Geo-Environmental Assessment; • Habitat Survey; • Tree Survey; • Flood Risk Assessment; • Drainage Impact Assessment; • Noise Impact Assessment; • Air Quality Assessment |

APPRAISAL

- 48 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

- 49 The site is within the settlement boundary of Perth and is identified in TAYplan under Policy 3 as part of the West/North West Strategic Development Area (SDA), which is to provide over 50ha of employment land. It is also allocated in LDP2 as within site E38 for employment uses. This allocation in LDP2 is intended to support the growth and expansion of the existing Inveralmond Industrial Estate.
- 50 As a result of the site's location, the existing surrounding uses and the identification of the site in the Development Plan, the principle of the proposed development is considered acceptable. The class 4, 5 and 6 uses proposed are compatible with existing facilities at Inveralmond and will facilitate an identified expansion to provide land for more employment generation for the city of Perth and the wider area.

Design and Layout

- 51 As a PPP application, there is no proposed detailed design. However, the indicative masterplan shows a potential layout shows a wide mix of development plots and building footprints (c. 30,000sqm) located immediately adjacent to the existing group of buildings, businesses and facilities in Inveralmond Industrial Estate. Based on this masterplan, the development would likely contribute positively to the existing employment offer and related quality of the surrounding built and natural environment and meets the site-specific requirement in LDP2.
- 52 In addition, the applicant has confirmed in their Energy Statement that the masterplan and intent consider climate change, mitigation and adaptation. This approach will ensure compliance with LDP2 Policy 32 – Embedding Low and Zero Carbon Generating Technologies in New Development and the site-specific criteria (Condition 1 (vi)). It also considered the feasibility of distributing heat and connections beyond the site, including to LDP2 site H319 (Almond Valley Village) in particular, concluding that a district heating scheme would not be viable. This position is accepted.
- 53 The indicative design, density and siting of development is considered to respect the character and amenity of the existing Inveralmond employment area and surroundings. This issue will nevertheless be assessed in detail via Approval of Matters Specified in Conditions (AMSC) applications. Overall, the indicative design and layout is considered an acceptable approach to ensure compliance with LDP2 Policy 1 – Placemaking.

Landscape and Visual Impact

- 54 As part of the EIA Report, Landscape and Visual Impact was assessed and was reviewed by NatureScot and Historic Environment Scotland (HES).
- 55 NatureScot have not raised any issue with regards impact on landscape and visual impact. Overall it is considered that the proposed development is a logical extension of the existing employment offer at Inveralmond and as such

the proposal is considered, subject to condition 14, to meet the intent of LDP2 Policy 39 – Landscape.

Residential Amenity

- 56 The Double Dykes Gypsy/Taveller caravan site is 40 metres to the north-west. Whilst other residential areas are beyond the A9 and A9/A85 roads. As part of the EIA Report, an Air Quality Assessment (AQA) and Noise Impact Assessment (NIA) were provided and both have been reviewed by SEPA and the Council's Environmental Health team.

Air Quality

- 57 The AQA predicts that the developments effect on air quality, at both the construction and operational stages, is not significant.
- 58 Environmental Health advise that during the construction stage, a range of best practice mitigation measures will need to be implemented to ensure dust emissions are reduced. A draft Construction Environmental Plan (CEMP) has been submitted however there is no reference to a Dust Management Plan. An updated CEMP (Condition 10) including a detailed Dust Management Plan is required to support any AMSC application. This will ensure further assessment can be undertaken and compliance with LDP2 Policy 57 – Air Quality is achieved.
- 59 Environmental Health agree with the AQA; that the development will not have a significant effect on air quality. They do encourage the applicant to consider further operational mitigation measures such as sustainable travel plans and/or electric vehicle (EV) charging points. (Condition 1)

Noise

- 60 The Noise Impact Assessment (NIA) submitted concludes that no mitigation measures are required for both the operational and construction stage.

Construction Noise

- 61 The NIA states that the existing noise levels of Ruthvenfield Road means any construction activity will not result in noise disturbance. However, Environmental Health advise that there is no full assessment showing calculations of predicted noise from construction activities, including HGV movements, at the closest noise sensitive residential properties at the Double Dykes Gypsy/Traveller site. The draft CEMP refers to Noise Control, however, the information set out is not considered sufficient. As a result, Environmental Health advise that, during construction, measures that follow best practicable means to reduce noise levels and to ensure compliance with acceptable levels must be implemented. Options for the control and mitigation of construction impacts include: effective site management, engineering control, acoustic screening, and restricted hours of work.

62 To address this, the CEMP will need to be updated to provide more detailed information on mitigation measures to be implemented to control to acceptable levels: noise, vibration and dust levels generated by construction activities. Where control measures are identified as being inadequate and justifiable complaints are received, additional mitigation measures may need to be applied and what monitoring will be undertaken needs to be included in an updated CEMP (Condition 10).

Operational Noise

63 The NIA sets out justifications as to why a detailed noise impact assessment has not been undertaken and why it has been concluded that no mitigation was required.

64 The submitted NIA also states that Perth and Kinross Council (PKC) had included traffic and accepted traffic noise relating to this application site within the 2015 EIA undertaken for planning application 15/00036/FLL, related to the A9/A85 junction upgrades. The applicant contends that the mitigation measures implemented in association to that road project, an acoustic fence at Double Dykes, was not installed by PKC in accordance with the recommended mitigation of the associated EIA. The applicant therefore feels that this materially prejudices the accurate consideration of this site in respect of noise impact and mitigation and that it is not for them to now undertake this work to address what they see as a Council failing.

65 In response to this matter, it is clarified that the acoustic fence specification implemented was redesigned from the initial proposal, at the request of affected residents who were concerned about being 'hemmed in' due to its scale. In response the Council carried out further modelling, considering reduced fence heights, but also to ensure the required specification was still met. However, it is important to point out that the specification was to address impacts from noise associated to the road project and did not consider the impacts which may result from development within the current application site. Therefore, any additional noise controls required in association to the current proposals must be appropriately addressed via any grant of planning permission.

66 Environmental Health advise that traffic noise generated by the proposed development would not be the only resultant noise source. Particularly, there is also the potential for noise from plant/equipment and loading/unloading operations associated with the operations of premises which may be developed and that these could have an adverse effect on residential amenity on the closest noise sensitive receptors, such as at Double Dykes. However, as the application is a PPP and without full details of future uses, buildings and layouts, such that associated noise can be reasonably quantified. Environmental Health recommend that a detailed NIA supports any future MSC applications, to assess matters and secure appropriate mitigation (Condition 11). Through discussion the applicant has submitted an alternative suggested condition, which they consider would mitigate the need for any further NIAs. However, this has been assessed by Environmental Health and is not considered to be acceptable and they maintain their recommendation that NIAs

will be required for any future detailed applications. This approach will ensure the objectives of LDP2 Policy 56 – Noise pollution will be met.

Land Quality (Contaminated Land)

- 67 A Site Investigation Report has been submitted as part of the EIA Report and has been reviewed by the Council's Land Quality Officer. It sets out that extensive site investigations were undertaken, and the primary source of contamination identified and assessed. Chemical analysis and the interpretation of the results indicates the site as being a low risk and the Land Quality Officer accepts this conclusion. The proposal therefore complies with LDP2 Policy 58 – Contaminated and Unstable Land.

Roads and Access

- 68 A Transport Assessment (TA) has been submitted as well as there being a Traffic and Transport Chapter within the EIA Report. The TA has been assessed by Transport Scotland, while both documents have been assessed by the Council's Transport Planning team. Neither have raised any objection, subject to conditions.
- 69 However, Transport Scotland have requested that the applicant engages with them to examine more fully the impact of the proposed development on the Trunk Road network, so they can ascertain if a developer contribution is required towards improvements of the Inveralmond and Broxden Roundabouts. Notwithstanding it is understood that such engagement has not taken place. However, as this is a PPP application, the Transport Scotland recommended condition that requires the applicant to fully assess the traffic impact of the proposal at the detailed application stage and ascertain if a financial contribution is required (Condition 3) can be applied. Although this includes for the possibility of contributions from the first 10,000sqm of floorspace, it otherwise reflects the position of PKC.
- 70 As required by the site-specific requirements it is also proposed to provide sustainable transport links with the recently completed pedestrian and cycling infrastructure at the A9/A85. This will ensure there are sustainable connections with Inveralmond Industrial Estate, Bertha Park, Almond Valley Village and the western edge of Perth on the other side of the A9 trunk road.
- 71 One of the other site-specific requirements in LDP2 is the expansion of the bus network through the site. Condition 7 requires new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided within any future detailed application.
- 72 Overall, the site is very well connected to the immediate and wider area in terms of vehicular and sustainable transport modes, with access via the Inveralmond Roundabout and Phase 1 of the CTRL. New pedestrian and cycling links have been developed in the immediate vicinity, which the proposed developed will connect with and provide future employees with multi-modal transport choices. These connections address the site-specific

requirements for a network of path and cycle links with the wider area including green corridor links with the River Tay.

- 73 Transport Planning have recommended a number of conditions (4 - Standards, 5 – Green Travel Plan including electric vehicle charging points, 6 - CTMS, 7 – Bus provision and 8 - Path provision) is provided to ensure the site is developed in accordance with LDP2 site-specific requirements, Policy 60 – Transport and Accessibility Requirements and the National Roads Development Guide.

Natural Heritage and Biodiversity

- 74 A Habitat Survey has been submitted as part of the EIA Report and has been examined by both NatureScot and the Council's Biodiversity/Tree Officer. Neither have expressed significant concern in terms of impact on natural heritage including protected species. The Biodiversity/Tree Officer has recommended a number of standard conditions.

Trees

- 75 As per the site-specific requirement, a Tree Survey was submitted. It notes the loss of some small trees but is unclear which are to be removed. The Survey notes that some trees have the potential to develop fully, if given space in the new development. It is unclear whether this has been accommodated into the submitted landscape plan. Consequently, an updated landscape plan, which should account for existing landscaping and include compensatory planting to mitigate any losses, will be required (Condition 14). Species included in any planting schedule should be native to Scotland, of local provenance and include fruit-bearing trees to maximise biodiversity value. Retaining and managing the existing trees and improving connectivity to surrounding trees and grassland is also encouraged. This will ensure the proposal at this stage complies with LDP2 site-specific requirement and Policy 40 – Forestry, Woodland and Trees.

Biodiversity

- 76 The proposed site is predominantly cultivated land or land derived from agricultural use (96%), the remaining 4% being semi-improved neutral grassland located on field boundaries. No semi-natural habitat is present. The application sees an Extended Phase 1 Habitat Survey and surveys for bat roosts, water vole, red squirrel and badger were carried out in accordance with best practice and did not find evidence of protected species, habitats or invasive non-native invasive species.
- 77 One bird species, Yellowhammer, was recorded feeding on the site. This is a Red List Species of Conservation Concern and a Tayside Local Biodiversity Action Plan priority action species. The effect of the development will be displacement of at least one pair. The loss of cultivated land will result in a local loss of foraging opportunity, although this is not considered significant in the context of the area of this habitat in Tayside.
- 78 Mitigation measures are listed in EIA Report Chapter 11, including making the SUDS ponds wildlife friendly and installation of swift nest boxes. Exact detail of

which biodiversity enhancing measures will be incorporated into this development when it comes forward should be provided in the form of a Biodiversity Action Plan (Condition 15). This will ensure compliance with LDP2 site-specific requirement for biodiversity enhancement and Policy 41 – Biodiversity.

Cultural Heritage

- 79 A Cultural Heritage Assessment, including for Archaeology, has been submitted as part of the EIA Report and has been assessed by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). HES have assessed the impact on its assets of listed buildings and Scheduled Monuments and this is addressed in the LVIA section above.

Listed Buildings and Scheduled Monuments

- 80 The key interest for HES was the potential setting impacts on local scheduled monuments: Huntingtower Castle (SM 90164 and Property in Care) and Mains of Huntingtower, henge, enclosures, pits and road WSW of (SM 3630) and the assessment below focuses on these assets.
- 81 The HES assessment of effects on the A Listed Huntingtower Castle and Scheduled Monument 750m to the west notes that there are views from the parapets of the castle which may have some visibility of the proposed development, despite intervening tree belts. A visualisation from the parapet to demonstrate the level of impact on the setting would also have been useful, given the proximity.
- 82 HES are, however, content that the limited potential inter-visibility from the castle is not likely to be a significantly adverse impact on the setting of the monument. Rather, the proposed development will appear as an extension of the existing industrial estate and will be clearly separated by road infrastructure. Existing trees and landscaping proposals along the edges of the proposed development and intervening roads will also assist in screening the majority of the proposals from the castle. HES are therefore largely content with the limited assessment of impacts and that the proposed development will not have a significant adverse effect on the setting of the scheduled monument.
- 83 Overall, there is limited potential impact, and, on that basis, they have not raised any significant concerns. HES consider that the proposal will not result in significant effects on historic environment assets within their remit and it will not raise issues of national interest within their remit. As a PPP application, this matter will be addressed in more detail as part of subsequent AMSC applications.

Archaeology

- 84 PKHT advise that the area surrounding the proposed development is archaeologically sensitive, which is highlighted by the site-specific requirement within LDP2. The Cultural Heritage Assessment concludes that the proposed development may negatively impact on both known and unknown

archaeological sites. To address this the proposed mitigation is a programme of archaeological work in advance of development, firstly: to assess the character, condition and significance of any archaeological deposits presumed to be present, and the extent to which the development will impact upon them. This evaluation will inform a second stage mitigation strategy, if required, to either: preserve significant deposits within the development; or for further archaeological works to consist of excavation, post-excavation analysis and publication of the results of the work. PKHT agree with the proposed mitigation and condition wording to secure the programme of work, should consent be granted (Condition 13).

- 85 Overall, the proposal complies with the site-specific requirements of LDP2 and Policies 26 – Scheduled Monuments and Archaeology and 27 – Listed Buildings.

Flood Risk and Drainage

- 86 A Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) have been submitted, as required under the LDP2 allocation, as part of the EIA Report. Both have been examined by SEPA, Scottish Water and the Council's Structures and Flooding team.

Flood Risk

- 87 The application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of SEPAs Flood Maps, indicating it may be at medium to high risk of fluvial (river) flooding. However, the FRA states the recent Almondbank Flood Protection Scheme works, and the new A9/A85 road crossing, has reduced the flood extent in the area, which is not reflected in SEPAs Flood Maps.
- 88 SEPA have reviewed the previous A9/A85 study and, because the hydrology has not changed since this time, the FRA shows that that the proposed site is now outwith the 1 in 200-year functional floodplain, as was the case in the A9/A85 model. Based on the information SEPA do not have any objection on the grounds of flood risk. The proposal complies with LDP2 Policy 52 – New Development and Flooding.

Drainage

- 89 Scottish Water have confirmed that there are no capacity issues in terms of water supply or foul water drainage infrastructure.
- 90 However, as a PPP application, surface water drainage arrangements cannot be finalised. SEPA indicate a preference for surface water to be discharged to the River Almond or Perth Lade but note there are issues with this. If the applicant proposed to discharge surface water to the Scottish Water sewer then no licence from SEPA would be required as this would be under the responsibility of Scottish Water. The Council's Structures and Flooding team have advised of the drainage requirements that will need to be met at the

detailed application stage (Condition 18). This will ensure that LDP2 Policy 53 – Water Environment and Drainage can be met.

Waste Collection

- 91 No issues of principle have been identified by the Council's Commercial Waste Services team, MSC applications will consider detailed arrangements and access requirements. (Condition 1(xi))

Health and Safety

- 92 The Health and Safety Executive (HSE) recommended the Planning Authority carried out an online PADHI+ Assessment to ascertain if there is any risk to national oil and gas pipelines in the area. This assessment found there to be no risk to any oil and gas pipeline infrastructure from the proposed development. The proposal thus complies LDP2 Policy 54 – Health and Safety Consultation Zones.

Developer Contributions

- 93 The Council's Development Contributions Officer confirmed that, in line with the Developer Contributions Supplementary Guidance, the proposed development requires contributions for transport infrastructure associated to the local road network. In response the applicant raised early in the process that these contributions ought not to apply, citing the significant economic benefit the development will bring to Perth and the significant investment costs of developing the site. The leading to the belief that the ability to viably undertake the development would be compromised if the contributions were paid.
- 94 As such, and in order for PKC to consider the case for contributions being either reduced or set aside, the applicant was advised that detailed and robust information would be required to justify any such approaches. In response an 'Economic Benefits and Developer Contributions Statement' was submitted in May 2020. After assessment this was found not to robustly justify reducing or waiving the required developer contributions. In order to further clarify their position additional development viability information was provided in October 2020. This was also subject to detailed assessment and the conclusion again reached that it was not possible to fully accept the case being made. Particularly, this is due to the uncertainty over the precise nature and scale of the development which will result. The assessment undertaken having been based on indicative and hypothetical levels of development, reflecting that only PPP is being sought. A clear position could only realistically be reached if the precise nature of development that might ultimately come forward was available. Indeed, the extent of development proposed may differ from the scale identified in the indicative masterplan and have a differing viability profile. As is appropriate it is not proposed that developer contributions at the PPP stage; instead a planning condition is attached requiring any AMSC applications to comply with the Supplementary Guidance, with payment made or a S75 entered in to at that stage before the detailed approval is given.

- 95 Therefore, it is considered appropriate to apply control so as to reserve the position to the detailed stages. At that point, if the development then proposed is demonstrated not to be viable, and if the contributions are required, an assessment of the appropriate position can take place. This would provide a level of flexibility and reasonableness for both the applicant and the Council, reflective of the uncertainty over the viability question. Otherwise to remove the requirement to make contributions at this time, based on a theoretical development which may not progress to a detailed planning application, is not considered reasonable or appropriate. Particularly this would remove the opportunity for the Planning Authority to legitimately secure developer contributions. Therefore, this suggested approach of the applicant represents an unacceptable risk to the Council, as it would be liable for the proportionate cost of the road infrastructure works covered by the Supplementary Guidance.
- 96 In an effort to progress the application and bring forward the economic benefits of the proposed development, it has for some time been proposed by officers to apply flexibility. This resulted in a suggested modification of the standard developer contribution condition being proposed (Condition 2). This would see a clause that exempts the first 10,000sqm floorspace from developer contributions, allowing the development to progress in its early stages with certainty that contributions would not be required, most likely based on the indicative layout. But to otherwise reserve a further review of viability until additional detailed phases come forward. This is considered a proportionate and reasonable approach in the current circumstances. While the development will be led by market demand, it is anticipated that this extent of floor space would cover the initial years of development. This approach would also largely address the LDP2 allocation's site-specific requirement to make contributions towards the A9/A85 junction upgrades and address the requirements of LDP2 Policy 5 – Infrastructure Contributions, whilst reserving the ability to review viability going forward.
- 97 This approach does not prejudice any possible future exemptions as a result of emerging Council strategies and would not preclude the applicant from being eligible for any flexibility these strategies would offer. It is anticipated that any such strategy would outline a five-year developer contribution exemption for non-retail employment development projects. The proposed condition has been worded to reflect this position, whilst also accounting for the questions over viability of the project at this time.

Economic Impact

- 98 As discussed above in relation to Developer Contributions, an Economic Viability Assessment has been submitted. This has been reviewed by the Council's Economic Development team who agree that developing 15ha of employment land will support economic development by providing immediately available employment land. They also note that there are likely to be more commercial properties on the market due to impact of Covid-19, but some are likely to need further investment and that not all current stock is fit for purpose, especially in terms of energy efficiency standards.

- 99 In terms of employment generation, the methodology used to calculate employment figures is commonly used and considered acceptable. The proposed site, once fully operational, is thus predicted to provide 443 jobs. There would also be employment at construction phases, which have not been estimated.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 100 None required at the PPP application stage. Condition 2 highlights that a transport infrastructure contribution will be required after the first 10,000sqm are constructed.

DIRECTION BY SCOTTISH MINISTERS

- 101 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

- 102 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.
- 103 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

A RECOMMENDATION

Approve

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the In-Principle Permission (19/02033/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 15 years.

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

Conditions and Reasons for Recommendation

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

submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a detailed updated phasing and delivery plan for the whole site;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design and specification (including the disposal of surface water) and related structures throughout the development;
- (v) details of any screen walls/fencing including any retaining walls to be provided;
- (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
- (vii) details of any landscaping, structure planting and screening associated with the development;
- (viii) full details of the proposed means of disposal of foul and surface water from the development;
- (ix) noise impact assessment;
- (x) lighting details;
- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan;
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) finished floor levels;
- (xvi) vehicular access and egress road levels.

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

2. Subject to the exemption referred to immediately hereafter, the development shall accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regards to Transport Infrastructure. Notwithstanding these requirements, the Planning Authority will allow the first 10,000 sqm of Class 4, 5, or 6 of Gross Internal Area (as defined in the Developer Contributions and Affordable Housing Supplementary Guidance 2016), approved as part of a future Approval of Matters Specified in Conditions application(s), to be exempt from these Developer Contributions.

Reason: To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with the Development Plan policy and Supplementary Guidance relating to this application, but with appropriate mitigation to reflect economic conditions.

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an assessment of the potential impact that the development would have on the safe and efficient operation of the A9 Broxden Roundabout shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with Transport Scotland.
Where the conclusions of the assessment identify that the potential impact of the development is considered significant by Transport Scotland, the applicant shall be required to agree, before the commencement of development, appropriate mitigation for the A9 Broxden Roundabout to address this impact.

Reason: To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(v), 1 all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. The GTP will have particular regard to provision for walking; cycling; public transport access to and within the site; electric vehicle (EV) charging points and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The GTP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of sustainable transport.

6. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;

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

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

Reason: In the interests of road safety.

7. Prior to the development hereby approved being completed or brought into use, new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided and available for use to a design and specification to the satisfaction of Perth & Kinross Council as planning authority.

Reason: In the interests of public transport provision.

8. As part of any application for the Approval of Matters Specified by Condition (AMSC), a scheme for a new shared path of an appropriate standard along an agreed section of Ruthvenfield Road shall be submitted for the written approval of the Council as Planning Authority. The approved scheme shall thereafter be fully installed prior to any part of the development being brought into use.

Reason: In the interests of road and pedestrian safety.

9. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works outwith these times or at any time on Sundays or bank holidays.

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

10. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an updated Construction Environment Management Plan (CEMP) including a detailed Dust Management Plan for the construction stage, detailing prevention control and mitigation measures for dust, shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed noise impact assessment must be prepared by a suitable qualified consultant and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

12. All external lighting included within Approval of Matters Specified by Condition (AMSC) applications sought under Condition 1 shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

13. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard archaeology in the area.

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

Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

15. As part of any application for the Approval of Matters Specified by Condition (AMSC), a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

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

16. The conclusions and recommended action points within the supporting Biodiversity Survey by ECOS Countryside Services LLP (December 2019) are 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 local environmental quality; to safeguard the welfare of any protected wildlife.

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

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

18. As part of any application for the Approval of Matters Specified by Condition (AMSC), detailed sustainable urban drainage system (SUDS) shall be submitted for approval 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: In the interests of flood risk.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required.

D INFORMATIVES

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
6. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.

9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

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 December 2019. 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:

- Scheduled Monuments
- Archaeology
- Flood Risk
- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport

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;

- Assessment of impact on Scheduled Monument
- Archaeological evaluation
- Flood Risk Assessment
- Air Quality Assessment

- Noise Assessment
- Habitat Assessment
- Tree Survey
- Draft Construction and Environment Management Plan (CEMP)
- Transport Assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 as set out herein, the proposal is acceptable and can be approved.

Background Papers: None
Contact Officer: Steve Callan Extn: 75337
Date: 23 December 2020

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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