

Perth and Kinross Council  
Development Management Committee – 8 June 2016  
Report of Handling by Development Quality Manager

**Erection of residential units, commercial units (Classes 1, 2, 3 and 10),  
formation of allotments/open space, landscaping and associated  
infrastructure works on land at Bertha Park to the North West of Perth**

Ref. No: 15/01109/FLM  
Ward No: 5 – Strathtay

**Summary**

This report recommends approval of this detailed application for residential development with commercial units, formation of allotments/open space, landscaping and associated infrastructure works on land at Bertha Park.

The development is considered to comply with the Strategic Development Plan TAYplan and the Perth and Kinross Local Development Plan 2014. These documents both see the Bertha Park as part of Perth's expansion to the north west. It is a strategic site and a key element in delivering the land requirement for the Perth Core Area.

Additionally the proposal complies with the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan, City Plan and the Economic Development Strategy. The application is recommended for approval, subject to conditional control and the satisfactory conclusion of a planning obligation.

**BACKGROUND AND DESCRIPTION**

- 1 The Bertha Park site is located to the north west of Perth covering a site area of 333 hectares consisting of agricultural land and woodland.
- 2 The site is located within the lowland river corridor landscape character unit. The developable land is elevated above the River Almond and contained by Bertha Wood and Bertha Loch to the north. The A9, the Perth to Inverness Railway line and the River Tay are to the east. Inveralmond Industrial Estate is to the south. The Gellyburn watercourse and the village of Almondbank are located to the west.
- 3 An in-principle application for the whole of the Bertha Park site was reported to Development Management Committee on the 11 May 2016 (Report 16/96 refers). The Report of Handling recommended approval subject to conditions and the satisfactory conclusion of a legal agreement which was endorsed by committee. The principal components of that application consisted of:-
  - Residential properties: 3000 homes comprising a range and choice of homes including affordable housing. A series of Character Areas ensuring a sense of identity and variety through the development are incorporated into the Masterplan.

- Employment land: 25ha of employment land. Employment will comprise a number of different uses associated with a new community. This includes Class 2 (Finance & Professional Services), Class 4 (Offices), Class 6 (Storage & Distribution) (Class 10) Retirement housing/care home and Park & Ride.
  - Village Core incorporating a range of uses including retailing, offices, places to eat and drink, medical facilities, leisure and community facilities.
  - Access to the site will be from the new Cross Tay Link Road (CTRL) linking to the new River Almond bridge crossing. The CTRL A9/A85 Crieff Road Junction and link into Bertha Park now has planning consent and will be delivered by Perth & Kinross Council, application 15/00036/FLL refers. Until such time as the link to the River Tay crossing and A9 alignment are completed, an emergency access will be provided via Ruthvenfield Road and the existing bridge over the River Almond.
  - New Park & Ride and compatible employment land associated with CTRL/A9 (T) realignment. (Note: CTRL/A9(T) realignment will be subject to a separate planning application by Perth and Kinross Council).
  - New secondary school provision (Phase 1) and a primary school; (Note: secondary school and potential primary school will be subject to separate detailed planning applications but area of land for school provision incorporated into masterplan).
  - Areas of open space, new woodland and landscaping including new water features and SUDs. Existing woodlands will be retained and managed appropriately.
  - Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- 4 This is the detailed application for the central phase of the Bertha Park Site (phase 1). It comprises circa 1061 houses and employment land encompassing various uses including community, retail, health services, food & drink, office, etc. It also includes an area of phase 2 which will allow the extraction of economically viable minerals to ensure they are not sterilised.
- 5 Phase 1 is envisioned to be delivered between 2017 and 2027. Springfield's vision for Bertha Park is to create a countryside community with 3000 homes and all the supporting infrastructure, facilities and amenities demanded by modern life. This detailed application is the first piece in the jigsaw and illustrates the design principles employed by Springfield in meeting their vision.

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

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the

environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.

- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An Environmental Statement (ES) has been submitted in support of the application and is available in three volumes:
  - Volume 1 - Environmental Statement
  - Volume 2 – Appendices
  - Volume 3 - Non-Technical Summary
- 9 Supplementary Environmental Information (SEI) was submitted in March 2016 and includes further environmental information on how the scheme relates to Air Quality, Noise and Vibration, Nature Conservation and Ecology as well as ground conditions, drainage and flood risk.
- 10 This Supplementary Environmental Information (SEI) was subjected to further advertisement and consultation.
- 11 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. In this case the information within the Environmental Statement is considered to meet the requirements of the regulations.

#### **FURTHER SUPPORTING MATERIAL PROVIDED BY THE APPLICANT**

- 12 In addition to the Environmental Statement, the applicant has also submitted the following documents in support of the application.
  - Pre-application Consultation Report
  - MasterPlan
  - Planning Statement
  - Design and Access Statement
  - Sustainability Statement

## **NATIONAL POLICY AND GUIDANCE**

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

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

- 14 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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
  - The determination of planning applications and appeals.
- 15 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 16 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
  - Paragraphs 135 – 151 Valuing the Historic Environment
- 17 A Natural, Resilient Place
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 18 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel

19 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Places 2001**

20 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

### **Designing Streets 2010**

21 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 22 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.
- 23 The following documents from Historic Environment Scotland (HES) are also of importance in the determination of the application given the historic significance of sites within and surrounding the site:-
- Scottish Historic Environment Policy July 2009 (SHEP)
  - Managing Change in the Historic Environment Guidance Series

## **DEVELOPMENT PLAN**

- 24 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

## **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 25 The overall vision of the Tay Plan states:  
*“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”*
- 26 West and North West Perth are identified as a Strategic Development Area in the proposed plan, including the site relating to this application.
- 27 The principle relevant policies are, in summary:

### **Policy 1: Location Priorities**

- 28 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

### **Policy 2: Shaping better quality places**

- 29 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

### **Policy 3: Managing TAYplan's Assets**

- 30 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

### **Policy 4: Strategic Development Areas**

- 31 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the Tayplan. This includes a strategic development area to the west/ north west of Perth for 4000+ homes and 50ha of employment land.

### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 32 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

### **Policy 8 – Delivering the Strategic Development Plan**

- 33 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

### **Perth and Kinross Local Development Plan 2014**

- 34 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 35 The LDP 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.”*

- 36 Under the LDP, the following policies are of particular importance in the assessment of this application.

### **Policy PM1A - Placemaking**

- 37 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

### **Policy PM1B - Placemaking**

- 38 All proposals should meet all eight of the placemaking criteria.

### **Policy PM1C - Placemaking**

- 39 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

### **Policy PM2 - Design Statements**

- 40 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

### **Policy PM3 - Infrastructure Contributions**

- 41 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy ED1A - Employment and Mixed Use Areas**

- 42 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

### **Policy RD1 - Residential Areas**

- 43 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

### **Policy RD4 - Affordable Housing**

- 44 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.



### **Policy RD6 - Particular Needs Housing Accommodation**

- 45 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 46 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 47 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy CF1B - Open Space Retention and Provision**

- 48 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

### **Policy CF2 - Public Access**

- 49 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Policy CF3 - Social and Community Facilities**

- 50 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided

### **Policy HE1A - Scheduled Monuments and Non Designated Archaeology**

- 51 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 52 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 53 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy HE4 - Gardens and Designed Landscapes**

- 54 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

### **Policy NE1A - International Nature Conservation Sites**

- 55 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

### **Policy NE1B - National Designations**

- 56 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

### **Policy NE2A - Forestry, Woodland and Trees**

- 57 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 58 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of

individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 59 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy NE4 - Green Infrastructure**

- 60 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

### **Policy ER3A - Minerals and Other Extractive Activities**

- 61 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

### **Policy ER4A - Minerals and Other Extractive Activities**

- 62 Favourable consideration will be given to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 63 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 64 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

### **Policy EP2 - New Development and Flooding**

- 65 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at

significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

**Policy EP3A - Water, Environment and Drainage**

- 66 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

**Policy EP3B - Water, Environment and Drainage**

- 67 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

**Policy EP3C - Water, Environment and Drainage**

- 68 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

**Policy EP3D - Water, Environment and Drainage**

- 69 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

**Policy EP8 - Noise Pollution**

- 70 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

**Policy EP11 - Air Quality Management Areas**

- 71 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

**Policy EP12 - Contaminated Land**

- 72 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

## **Policy EP15 - Development within the River Tay Catchment Area**

- 73 Nature conservation in the River Tay Catchment Area will be protected and enhanced.

## **OTHER POLICIES**

### **Perth & Kinross Community Plan (2006 – 2020)**

- 74 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

### **Perth & Kinross Corporate Plan 2013-2018**

- 75 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

### **Perth and Kinross Local Transport Strategy**

- 76 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

### **The Perth City Plan 2015 – 2035**

- 77 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

## **SITE HISTORY**

- 78 14/00001/PAN Proposed housing development, proposed public consultation activity agreed 10 February 2014.
- 79 14/01318/SCRN Residential development 4 August 2014. EIA screening request withdrawn.
- 80 14/01767/SCOP Bertha Park Housing development, content of environmental statement scoped on the 24 November 2014.

- 81 15/00036/FLL Alignment of the southern section of the CTRL the A9/A85 Crieff Road junction improvements, application approved by Development Management Committee, March 2015.
- 82 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. EIA Screened on the 15 July 2015, not required.
- 83 15/01112/IPM Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) on land at Bertha Park to the North West of Perth, approved at Development Management Committee May 2016 and now awaiting legal agreement to be concluded.

## **CONSULTATIONS**

### **EXTERNAL**

#### **The Scottish Government: Historic Environment Scotland**

- 84 Confirm that their remit on this application relates to scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and their respective inventories.
- 85 They advise that no significant effects occur at Scone Palace or Huntingtower Castle and note that there are no other significant effects on sites within their statutory remit.
- 86 Overall they agree with the findings of the Environmental Statement and offer no objection to the detailed application.

#### **The Scottish Government: Transport Scotland (Environmental Statement)**

- 87 Access to the development is predicated on the delivery of the Council's proposed infrastructure package identified under 'Perth Transport Futures Project'. The nearest trunk roads to the site are the A9(T), which is located immediately to the east of the site, and the A85(T) to the south which will provide access to the site through a newly constructed junction.
- 88 Phase 1 of the project will be taken from two new roundabouts on the first section of the Cross Tay Link Road (CTRL), which leads directly from the A9/A85 Crieff Road Interchange improvement. Subsequent phases of development will rely on the completion of the CTRL, which includes the formation of a new junction on the A9 to the north of Inveralmond.
- 89 The CTRL will not be part of the Trunk Road Network. Therefore Transport Scotland offer no comment on the actual access points to the site as they form part of the local road network.

- 90 Transport Scotland has previously been consulted on these infrastructure proposals, including the Environmental Assessment for the A9/A85 Junction, which has been designed specifically to accommodate the Local Development Plan proposals. On that basis the overall environmental effects of both development and infrastructure proposals in west Perth have already been considered in terms of the trunk road impacts and found to be acceptable.
- 91 In conclusion, they are satisfied with the submitted ES and no objection to the proposed development in terms of environmental impacts is offered.

**The Scottish Government, Transport Scotland (Planning Consultation)**

- 92 No objection. Recommend a series of mechanisms being put in place to ensure there is no adverse impact in the wider road network.

**Luncarty, Redgorton and Moneydie Community Council**

- 93 Raise concern as to the emergency access into Bertha Park via Inveralmond will be controlled along with the potential for construction traffic to access/egress onto the A9. The community council seek clarification on the extent of mineral to be extracted and whether this is to be retained for use on site. They question the generation of jobs associated with the development and the relationship of the delivery of employment land and note that no significant Class 4, Class 5 and Class 6 will be available until 2025. They also raise the potential cumulative impact on the Green Belt from Bertha Park, the CTRLR, the zoned Luncarty site H27 and sites that have been identified by third parties under the Strategic and Policy Team's new call for sites. They raise concern that some of the Bertha Park development zones have potential to flood and that flooding events at the Almond/A9 bridge underpass has implications for pedestrian and cycling access into Perth City as this may result in crossing the A9 during such events. Raise concern that the underpass at the Bertha Park Village core will not be in keeping with the village feel of the development and note that these areas can become undesirable. They also question the alignment of the southern section of the CTRLR the A9/A85 Crieff Road junction improvements that already has consent under application 15/00036/FLL.

**Scottish Water**

- 94 No response received.

**Scottish Environment Protection Agency (SEPA)**

- 95 No objection to the detailed application if conditional control is applied to deal with drainage including SUDS, ecology, pollution prevention and environmental management as well as waste.

**Scottish Natural Heritage (SNH)**

- 96 There are no likely significant effects upon the River Tay SAC. Conditional control can be applied to allow the development to proceed without committing

offences against protected species. They provide comments on the provision of green infrastructure and advice on where and how they believe it could be improved, including the use of buffer strips. Presently they consider as submitted the proposal does not adequately protect and mitigate impacts on ancient semi-natural woodland or provide sufficient information on proposed woodland.

**National Grid Plant Protection Team**

97 No response received.

**Methven Community Council**

98 No response received.

**Tay Salmon Fisheries Board**

99 No response received.

**R S P B**

100 No response received.

**Forestry Commission Scotland**

101 No response received.

**Sport Scotland**

102 No objection. Note that the detailed application for the school will progress under a separate planning application. They encourage reference and adherence to Sport Scotland's design guidance for schools.

**Perth and Kinross Area Archaeologist**

103 Recommend conditional control. From the desk based assessment, walkover survey and evaluation, a suite of archaeological features have been recorded. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural landuse.

104 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required and a detailed programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust.

**INTERNAL**

**Environmental Health**

105 No objection but recommend conditions are included on any given consent.



## **Transport Planning**

- 106 No objection subject to conditional control and securing public transport provision by legal agreement.

## **Affordable Housing Officer**

- 107 No objection. The Affordable Housing Policy applies and a condition to reflect this should be attached to any planning application granted.

## **Contributions Officer**

- 108 No objection. Affordable Housing, Education and Transport Contributions are required in accordance with Supplementary guidance. Due to the scale of this proposal the contributions will be determined through discussions with the applicant.

## **Community Greenspace - Access Officers**

- 109 No objection. Paths for cyclists and pedestrians should be a minimum width of 2.5 m and ideally will be within a wider green corridor. These provide key connections both within the site and linking to the site so should be created at a standard suitable for cyclists and pedestrians and should be surfaced – not mown grass tracks as labelled which will prove difficult to maintain in the long term. Recommend that an updated colour coded plan is submitted of the path according to their function.

## **Public Space Management**

- 110 No objection. Public spaces as indicated are generally large enough to provide for useful functions and maintenance which is welcome. They note that the community would need to take on management and maintenance of community facilities.
- 111 More detail is required on the layout particularly of key open spaces such as the parks, pitches & play areas and areas which may be more challenging to maintain, such as the 'terraced' area near the roundabout shown on the east village plan. Play areas should be labelled as either equipped play areas or unequipped areas for informal play, ball games etc. PKC Play Area Standards should be secured.
- 112 Within the major park area play areas, sports pitch with associated changing and parking, and concrete skate park should sit comfortably within landscaped parkland. The sport pitch requirement within the park area is likely to be two full sized grass pitches with associated changing, parking and access paths. The formal sport and play facilities should not exceed approximately 60% of the landscaped park area. The current layout provides no detail on the park and associated facilities, pitches are currently shown near the school only.

- 113 The woodlands create a useful framework for the development; no detail is given in relation to new planting around residential areas or key open spaces. Native trees should be planted far enough away from gardens and paths to avoid future complaints when trees mature.
- 114 The landscape management plan provides some detail on the principles to be applied and includes species lists. The Tree & Woodland Office advises replacement of some species but acknowledges that the arboricultural report (appendix 10.8) is an accurate description of the tree and woodland cover within and surrounding the site and the broad brush recommendations are appropriate. It is recommended that a more detailed 20-year woodland management plan is produced for all the woodland areas with timescales for implementation.
- 115 The building stand-off distance is a welcome addition to the root protection area. The stand-off distance provides a more robust long term protection for woodland edge trees as well as reducing the risk to people and property.

#### **Bio-diversity Officer**

- 116 No objection. The development provides good wildlife corridors and linked habitats that will benefit biodiversity.
- 117 A series of biodiversity conditions are recommended.

#### **Community Waste Advisor**

- 118 No objection subject to conditional control.

#### **Flood Prevention Officer**

- 119 Following clarification through the provision of Supplementary Environmental Information conditional control is recommended.

#### **Strategy and Policy**

- 120 No objection. Bertha Park is allocated in the LDP for 3,000+ houses and in excess of 25ha employment land. As such it forms an important component of the Council's housing and employment land supply
- 121 The LDP indicates that the first phase of development is not to be more than 750 homes and the secondary school and this is not to commence until the first phase of the CTRL linking the site to the A9/A85 junction has been provided. Strategy and Policy are aware that the applicants have been in discussions with the Roads Infrastructure Team on the CTRL issue but the proposed first phase of 1061 houses is significantly in excess of the LDP requirement and no justification appears to have been given as to why this higher number of houses should be allowed in the first phase. There needs to be further discussion on the phasing and bringing forward of employment land in conjunction with the housing development.

## REPRESENTATIONS

122 Two letters of representation have been received that raise the following issues:-

- Raise concern as to the emergency access into Bertha Park via Inveralmond will be controlled along with the potential for construction traffic to access/egress onto the A9.
- clarification sought on the extent of mineral to be extracted.
- question the generation of jobs associated with the development and the relationship of the delivery of employment land and note that no significant Class 4, Class 5 and Class 6 will be available until 2025.
- Concern with the potential cumulative impact on the Green Belt from Bertha Park, the CTRLR, the zoned Luncarty site H27 and sites that have been identified by third parties under the Strategic and Policy Team's new call for sites.
- Concern that some of the Bertha Park development zones have potential to flood and that flooding events at the Almond/A9 bridge underpass has implications for pedestrian and cycling access into Perth City as this may result in crossing the A9 during such events.
- concern that the underpass at the Bertha Park Village core will not be in keeping with the village feel of the development and note that these areas can become undesirable.
- The alignment of the southern section of the CTRLR the A9/A85 Crieff Road junction improvements is also questioned, however, this already has consent under application 15/00036/FLL.
- Impact on woodland resource.
- Impact on bio-diversity resource.
- Developments relationship with the loch edge.
- Comments on connectivity to the path network.

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

## ADDITIONAL STATEMENTS

|  |                    |
|--|--------------------|
| Environment Statement                          | Submitted          |
| Screening Opinion                              | Scoping undertaken |
| Environmental Impact Assessment                | Required           |
| Appropriate Assessment                         | Not required       |
| Design Statement / Design and Access Statement | Submitted          |
| Reports on Impact or Potential Impact          | Submitted          |

## APPRAISAL

## Policy Appraisal

123 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

## Principle

124 The principle of the development has already been assessed against the Tayplan and the Perth and Kinross Local Development Plan 2104 (PLDP) and considered acceptable subject to conditional control and the conclusion of a legal agreement as detailed in the report of handling for application 15/01112/IPM.

125 In light of this the delivery of this detailed application for phase 1 does not conflict with TAYplan Policy 1 (Location Priorities) or TAYplan Policy 4 (Strategic Development Areas).

126 The PLDP allocates the Bertha Park site for 3000 plus houses and 25 hectares of employment land under reference H7. There are a number of site specific developer requirements associated with the allocation, while they have already been reviewed in the assessment of this in-principle application as this application is a separate and detailed application it is prudent to review the site specific requirements and how they sit with Springfield's detailed submission for phase 1.

| Ref   | Location   | Size            | Number                                       |
|---|------------|-----------------|--|
| H7  | Berthapark | 178 ha<br>(est) | 3,000+<br>In excess of 25 ha employment land |
| <b>Site Specific Developer Requirements</b>   |            |                 |  |
| <ul style="list-style-type: none"> <li>⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land.</li> <li>⇒ Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch.</li> <li>⇒ The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area.</li> <li>⇒ Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.</li> <li>⇒ Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.</li> <li>⇒ Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided.</li> </ul> |            |                 |  |

- ⇒ Facilities to enable the expansion area to be connected to Perth's bus network.
- ⇒ Network of paths and cycle routes providing good active travel links to Perth and Almondbank.
- ⇒ Green corridors in particular networks to link site with Perth and the wider countryside.
- ⇒ Protection and enhancement of biodiversity.
- ⇒ Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development.
- ⇒ New secondary school with potential to provide an all-through school/campus.
- ⇒ Park and Ride site.
- ⇒ The extraction of any viable mineral resources prior to development.
- ⇒ Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.

## **SITE SPECIFIC REQUIREMENTS**

127 These requirements will be assessed in turn.

**A Masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing, community and employment land.**

128 A Masterplan for the Bertha Park site has been submitted as part of the in principle application, this sets out the principal components of the development and identifies 3 principal phases or cores of development at Bertha Park which are defined by the structural landscape components taking account of existing and proposed landscape components.

129 This application is for the first phase and is located centrally in the site. It will be accessed from the first roundabout on the CTRLR. To the east will be the new secondary school, potential business uses, eastern village core and higher density housing. To the west will be the high street, west village core, residential areas with associated landscape and open space. Note that the High Street and west village core will be subject to separate applications and will be progressed to accord with the delivery plan secured under the in-principle application.

130 It should be noted that this detailed application also includes part of the second phase area in the Masterplan however this is to allow extraction of minerals and proposed re-profiling.

131 The Masterplan has thoroughly analysed the sites assets and constraints while looking at its relationship with the City of Perth and the surrounding hinterland. As a consequence the master plan comprehensively sets out a vision and an identity for Bertha Park that is robust.

132 The high standard of work incorporated into the Masterplan has been translated into the Design Statement. The Design Statement has taken account of the landscape Masterplan Strategy and defined character areas within Phase 1 with development blocks within the Character Areas.

133 The character areas are as follows:-

- Loch Edge
- Wood Edge
- Pasture
- West village
- Meadows
- East Village
- Farmside

134 The west village core and the school site will be subject to separate applications.

135 The phased strategy sets out how these core phases of land are to be released and the provisional timescales. However, there are other key triggers associated with the delivery of off-site infrastructure and elements of the wider site as envisioned in the Masterplan that need to be taken into account in greater detail. These issues are to be secured by legal agreement for the wider site however it will also be necessary to secure a phasing or delivery plan using conditional control.

136 Some of the issues required to be covered in the phasing/delivery plan will be the scheme's relationship with the Cross Tay Link Road (discussed in greater detail below), the capacity of local schools including the proposed new secondary school at Bertha Park, the delivery of the Bertha village centre, the delivery of an underpass under the link road to connect the western section of Bertha Park, the delivery of business land as well as a Park and Ride, the removal of economically viable minerals, the formation of structural landscaping/green infrastructure between phases including paths as well as a subsidised public transport service at the developments outset.

**Flood Risk Assessment which should also investigate the risk of flooding from the Tay and Bertha Loch.**

137 PLDP policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges.

- 138 A flood risk assessment (FRA) has been undertaken and is included in the technical appendices of the applicant's ES with the findings of the FRA discussed in chapter 12.
- 139 No significant risk of flooding from the River Tay was predicted.
- 140 Flooding from the River Almond was predicted at the southern part of the site where the CTRL crosses the Almond. This is discussed in greater detail under the next site specific requirement which relates to open space and flood storage protection.
- 141 Flood flows along the Gelly Burn and the unnamed stream on the site would generally be confined in bank; however there would be limited shallow flooding along both watercourses.
- 142 Bertha Loch is located to the north of the development zones. It has two overflows, one to the south and the other to the east. A detailed assessment of the consequences of a dam breach of the Loch has been carried out and is incorporated into the Technical Appendix 12.2. Dam breach scenarios were modelled to determine peak flows and a number of mitigation measures are proposed. This includes improvements to the eastern dam through lowering its height, setting finished floor levels of properties along the flow pathway above the flood level, provision of a flood flow pathway to the eastern part of the site as well as monitoring of the dam.
- 143 There is no flood risk from the un-named artificial pond in the centre of the site, this is to be infilled and a new pond created immediately to the east as a semi-natural suds pond.
- 144 Overland flows have been considered in the assessment and mitigation can be secured by conditional control to ensure there is no adverse flood risk from overland flows.
- 145 Overall, the proposal is considered to comply with the site specific requirement and development plan policy EP2 if the flood mitigation measures in the Environmental Statement are secured by condition for this detailed first phase.

**The open space which abuts the River Almond must be defined by a Flood Risk Assessment and protected in perpetuity as a flood storage area.**

- 146 The flood risk assessment has identified the flood storage areas that abut the River Almond. These areas are incorporated into the masterplan as recreational areas, paths and openspace (apart from the infrastructure associated with the Cross Tay Link Road that already has approval). Any change away from these areas of open space or recreational use or land raising would require a planning application. In light of this, I am content that the flood storage areas are sufficiently protected to meet this site specific requirement.

**Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay Special Area of Conservation.**

- 147 Tay plan policy 3 seeks the protection of key assets. The River Almond part of the River Tay SAC is such an asset. LDP policy NE1A also seeks to protect the interest of protected species within this watercourse.
- 148 The ES has considered the potential impact on the SAC and it recognises that construction phases of the development could affect the designated features of the River Tay SAC through the release of sediment and pollutants from working areas including areas where substrate will be removed for re-profiling of the terrain. In the absence of mitigation, there could be a temporary negative effect on the River Tay during construction. During the operational phase the development could affect the designated features of the SAC through nutrient enrichment from foul drainage as well surface water runoff due to the increased hard-standing areas. In addition, the proposed SUDS discharge into the River Almond may lead to nutrient enrichment in the SAC. Pollution from traffic may also affect it.
- 149 The ES recognises the need to control construction practices to ensure sediments and pollutants are not released into the environment. A full suite of control measures are discussed in chapter 12 of the ES and these measures can be incorporated into a Construction Method Statement/ Construction Environmental Management Plan through conditional control.
- 150 This detailed application for phase 1 proposes to connect into the public sewer. This will avoid impacts upon the River Tay SAC and the foul connection can be conditioned.
- 151 The drainage strategy for the development is the deployment of a Sustainable Urban Drainage System (SUDS). Within this SUD system, external drainage from buildings will receive one level of treatment and roads will receive two levels of treatment. SEPA confirm they are happy with the SUDS principles for phase 1 which consists of a combination of source control, swales, infiltration trenches and ponds. However full details of the finalised surface water management scheme are required and conditional control is required to secure this.
- 152 The current overall SEPA classification for the Tay and Almond locally is 'good'. Any deterioration from this level as a result of sediment or other pollutants, has the potential to reduce the suitability of the SAC for designated species, in particular lamprey. As a result, SNH note that when detailed discharge plans are brought forward, they must be assessed against the conservation objectives of the River Tay SAC with the locations of outfalls from SUDS infrastructure, along with their construction being prescribed to ensure



they are in suitable locations so they do not damage habitats associated with lamprey and fish.

**Where the development of the site is within 30 metres of a watercourse an Otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay Special Area of Conservation.**

- 153 Survey work undertaken for the ES has identified the likely species present on and across the proposed development site. SNH note that it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared with any disturbance licences sought from SNH.
- 154 The need for updated survey work and species protection plans due to the longevity of the site build-out can be secured through conditional control. It is considered this would achieve compliance with Local Plan Policy NE3 – Biodiversity and EP25 Development within the Tay Catchments.

**Development shall be phased with the delivery of the Cross Tay Link Road. The first phase of development (for not more than 750 homes and a secondary school) shall not commence until the first phase of the Cross Tay Link Road, linking the site to the A9/A85 junction, has been provided.**

- 155 As part of the site mobilisation and preliminary construction works the developer proposes that construction traffic will access the site via the existing priority junction on the A9(T), located to the north of the Inveralmond Roundabout. Consultation with Transport Scotland confirms that a Construction Traffic Management Plan to identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout is required.
- 156 Upon completion of the CTRLR construction vehicle access will be provided via the first phase of the CTRLR to enable the main house building works to commence. It is particularly important to ensure that no residential unit be occupied until the A9/A85 Junction as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been implemented. Additionally no more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy has been designed, approved and contract let.
- 157 Transport Scotland highlight that the proposed development will have an impact on the A9 Trunk Road. They note that mitigation is required and this shall either be physical improvements to junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. Transport Scotland require a negative suspensive condition,

also known as a 'Grampian' condition, to ensure this matter is appropriately controlled or another appropriate mechanism.

- 158 Members should note that PKC Transport Planning in partnership with Transport Scotland have commissioned work on the potential solutions for the Broxden and Inveralmond Roundabout. This work is advanced and should clarify how the strategic sites relate to these Trunk Road Network junctions. This work will inform future discussions between parties to provide certainty on how the Trunk Road issues at these junctions can be potentially resolved.

**Facilities to enable the expansion area to be connected to Perth's bus network.**

- 159 Public transport is required at an early stage to promote sustainable transport modes of travel. A funding mechanism to provide for a new public transport service during the build out of the development is required. This should be secured by legal agreement.

**Network of paths and cycle routes providing good active travel links to Perth and Almondbank.**

- 160 The Transport Assessment also assesses the proposed walking and cycling provision within the site with good potential for these modes to provide meaningful levels of trips.
- 161 Bertha Park is located adjacent to a network of existing core paths and cycle routes. The long-term Masterplan integrates with these paths to provide an off-road traffic free route to the centre of Perth. It also provides additional amenity routes within the existing woodland and aims to reinstate some of the historic routes. The retention of public access across the site during the build out of the development along with the phased implementation/delivery of access routes if controlled by conditions will comply with the site specific requirement and the active travel criterion incorporated into Local Plan Policy TA1B and CF2.

**Green corridors in particular networks to link site with Perth and the wider countryside.**

- 162 Green Corridors and networks of phase 1 are delineated and create a multi-functional landscape that serves habitat, visual amenity, drainage, play and path networks. Implementation/delivery and how this relates to the phasing of the development will be particularly important and requires to be integrated into the delivery plan.

**Protection and enhancement of biodiversity.**

- 163 The woodlands and existing watercourses have significant habitat value. The detailed phase 1 application retains, enhances and expands these habitats, through the establishment of an extensive green network within the masterplan. This will enhance biodiversity by connecting habitats, reducing fragmentation or isolation of protected species/wildlife.

- 164 The Bio-diversity officer notes that there are opportunities to further enhance biodiversity that can be incorporated into the detailed phases of development.
- 165 I have already taken account of SNH comments regarding the River Tay SAC (above) however, they have also note that the survey work undertaken to support the Environmental Statement has identified the likely species present on and across the proposed development site. However, it will be necessary for repeat or more detailed surveys to be made in the period immediately prior to work taking place and if necessary species protection plans prepared to support detailed planning applications and any disturbance licences sought from SNH.
- 166 SNH consider that a wider expanse of natural habitat between the loch and the loch edge housing area would better conserve the loch-side landscape character and create a habitat buffer. This is noted, however, this has to be balanced against wider design parameters and other local plan policies. In this case I do not consider that the offset constitutes a reason for refusal and I am satisfied with the high quality of design in this area. Landscaping will be conditioned and suitable boundary treatment that can be employed at the gardens that face onto the loch.
- 167 SEPA required further information on Groundwater Dependent Terrestrial Ecosystems (GWTDE) and works to the unnamed artificial pond. This has been provided in the SEI and following further clarification SEPA have recommended conditional control to allow the unnamed pond to be relocated to the SUDS pond location, thereby creating a double pond arrangement.
- 168 The Environmental Statement helpfully highlights a series of measures at Table15.3 Nature Conservation and Ecology Mitigation. I note that these can be incorporated into and secured by conditional control where required to protect and enhance biodiversity interests associated with this phase 1 detailed application.

**Integration of existing landscape framework into the development, the site and in particular the protection of ancient woodland so that it forms the backdrop to the development.**

- 169 SNH has concerns about the potential impact on how elements of the scheme relate to the ancient woodland in their consultation response. However these areas mainly fall out with this detailed phase 1 application. I note that the consultation from the Greenspace Team, which incorporates comments from the Tree Officer, confirms that the building stand-off distance from woodland is a welcome addition to the root protection area as the stand-off distance provides a more robust long term protection for woodland edge trees and reduces risk to people and property.
- 170 The Masterplan includes a number of core principles associated with woodland, parkland, water and wetlands. Clarification is required on how path network can be integrated into ancient woodland, in terms of construction and micro-siting to avoid loss of trees but this can be secured by condition. Overall

the approach complies with the site specific requirement as well as local plan policy ER6.

**New secondary school with potential to provide an all-through school/campus.**

- 171 The masterplan allocates land for educational facilities and this detailed application takes account of the land that has been secured for education. It should be noted that the development of the educational facilities will be subject to a separate planning application.

**Park and Ride site.**

- 172 This site specific requirement is not applicable to this detailed phase 1 application. However it should be noted that the masterplan associated with the in-principle applications allocates land for a park and ride which will be secured via a legal agreement.

**The extraction of any viable mineral resources prior to development.**

- 173 The proposed development requires the removal of minerals from the site to form the required finished ground levels. Ground Investigation work was partially undertaken for the site but the full potential of the mineral resource was not originally provided.
- 174 Policy ER3A - Minerals and Other Extractive Activities confirms that the development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.
- 175 The submission of SEI provides borehole logs from the ground investigation and an identified extraction area associated with the minerals is provided in phase 2. The extent of viable mineral resource extraction still needs to be fully quantified and the removal secured via conditional control.

**Investigation of the provision of a district heating system and combined heat and power infrastructure utilising renewable resources.**

- 176 Springfield's Sustainability Statement acknowledges that they are aware of proposals for a potential Biomass power plant to the south of Bertha Park adjacent to the Inveralmond Industrial Estate which would use wood fuel to generate electricity for 11,000 homes within the Perth area. A by-product of the electricity production would be heat in the form of hot water which can provide space heating and hot water to homes and businesses via a district heat main.
- 177 Springfield note that a planning application for the facility has not as yet been submitted but they are keen to investigate this further at the appropriate time as to how their proposals could fit into this and the proposed Perth CHP district

heating scheme. They note it is their intention to continue to investigate the application of this to buildings, particularly for apartments within the village core areas in order to optimise this potential. They are keen to continue to work with Perth & Kinross Council as to the feasibility of new renewable technologies and how this can be incorporated as the development progresses.

- 178 It is planning authority's understanding that the developer of the Biomass Power Plant is not intending to progress with an application. Having reviewed the extent of information submitted it is the Planning Authority's view that the site specific requirement has not been satisfactorily addressed.
- 179 Notwithstanding this, it is likely that Perth and Kinross Council will take forward and investigate the potential for district heating systems with the developers of strategic sites to the north and west of Perth. Taking this into account I consider this matter can be secured through conditional control with the outcomes of the study incorporated into the development if the study confirms that instillation is viable.

### **Sustainability**

- 180 Policy EP1 requires sustainable design and construction to be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table (Bronze, Silver, Gold or Platinum). Springfield through their Sustainability Statement and Sustainability Checklists confirm that they will build to the Silver Standard Efficiency Target (as a minimum) at the outset. Conditional control is required to achieve the sustainability requirements of Policy EP1

### **Cultural Heritage**

- 181 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent listed buildings. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
- 182 Historic Environment Scotland (HES) has confirmed that they agree with the findings of the Environmental Statement and note that there will not be significant effects on the setting of Scone Palace or Huntingtower Castle.
- 183 The Council's Conservation Officer has offered no objection to the proposed development and I am satisfied that the proposed housing development would not have a significant effect on the setting of listed buildings.
- 184 I note that HES also confirm the development will not have a significant effect on other assets that fall within their remit (scheduled monuments and their setting, battlefields and historic garden and designed landscapes).
- 185 Consequently, it is not considered that the proposal would contravene policies HE1A or HE2 of the LDP.

- 186 A suite of archaeological features have been recorded from the desk based assessment as well as a walkover survey and evaluation. These range from features representing prehistoric occupation of the area to sites associated with post-medieval agricultural land use. Significantly, the evaluation revealed the prehistoric archaeological features tended to be located on higher, well-drained ground.
- 187 Where known features and areas of potential cannot be preserved in situ, archaeological mitigation will be required. The ES suggests a combination of strip, map and record (to include excavation and subsequent post-excavation analysis) and archaeological monitoring. The detail of this programme of archaeological works will need to be refined in discussion with Perth and Kinross Heritage Trust and this can be secured by condition, this would ensure compliance with policy HE1B.
- 188 The LDP through Policy HE4 - Gardens and Designed Landscapes, requires the integrity of sites included on the Inventory of Gardens and Designated Landscapes to be protected and enhanced. In this case the visibility between the site and the Battleby HGDL, Methven Castle HGDL as well as the Scone Palace HGDL is limited by topography and intervening woodland, there is no conflict with Policy HE4.

### **Waste Collection**

- 189 The consultation response from the Council's Waste Services team seeks to ensure all properties have the required number and type of bins and adequate space within each property to accommodate the required bins. They also look for the road network to accommodate refuse vehicles to service the site. Conditional control and informatives can be applied to ensure the collection of waste will not be compromised.

### **Contaminated Land**

- 190 A site investigation partially covering the proposed development site has been carried out. The area was identified as being largely agricultural, however the report highlighted an area of possible slurry as well as an area which has been used as a sheepfold.
- 191 Conditional control is required to ensure the development complies with local plan policy EP12.

### **Air Quality**

- 192 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to extract the minerals from the site and to create development pads, are likely to be the main source of dust and particulates as well as construction vehicular movement distributing material within, to and off the site. Dust nuisance can be limited by deploying Best Practice Measures and this should be incorporated into the Construction

Environmental Management Plan (CEMP) to help reduce the impact of construction activities.

- 193 Perth and Kinross Council declared the whole of Perth and Kinross an Air Quality Management Area (AQMA) in May 2006 after a detailed assessment concluded that there would be areas of exceedances for NO<sub>2</sub> and PM<sub>10</sub> where relevant exposure occurred. A further assessment was completed in 2007 and confirmed the conclusions of the detailed assessment. It recommended that Perth and Kinross Council retain the city wide AQMA for NO<sub>2</sub> and PM<sub>10</sub>. An associated Air Quality Action Plan (AQAP) has been produced which incorporates aims and measures to reduce levels of NO<sub>2</sub> and PM<sub>10</sub> around Perth to below the National Standard, as such any developments which increase levels of the pollutants would be in conflict with the AQAP.
- 194 In support of the application an Air Quality Assessment has been undertaken to take account of the potential impacts in terms of air quality on current and future receptors in the vicinity and surroundings of the proposed development in respect of current and predicted traffic levels.
- 195 The Environmental Health Section initially had concerns with Air Quality Assessment, the accuracy of the model, road emissions, wood burning stoves and the cumulative assessment undertaken. The submission of SEI and clarification from the consultants has addressed the initial concerns and Environmental Health concerns have been alleviated and they no longer have concerns associated with the detailed phase 1 application.

### **Noise**

- 196 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 197 Consultation with Environmental Health confirms that there are a number of noise issues arising from this development which have been discussed as part of this application in the Environmental Statement; they recommend the use of conditional control to protect residential amenity and neighbouring land uses to ensure the proposal complies with LDP Policy EP8 – Noise Pollution.

### **Light Pollution**

- 198 Light is likely to be emitted from within the residential units, commercial enterprises; lighting for the streets will also be required. Consultation from Environmental Health has sought lighting to be aligned to ensure there is no adverse impact on adjoin landuses and this can be secured by conditional control.

## Design and Layout

- 199 Through *Designing Places* (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development. Ill-conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified. An important outcome of the planning process is the quality of development on the ground.
- 200 *Designing Streets*, published by the Scottish Government, suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 201 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other mode. In this case there are a number of pedestrian and cycling links into the surrounding environs and the delivery of dwellings is controlled by condition to enable road connections into the wider transport network. I note concerns are expressed about the incorporation of an underpass to connect the east and west village character areas; however, I consider that this solution is acceptable.
- 202 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of *Designing Streets* and incorporates appropriate natural surveillance of open space and supervision of the main pedestrian routes in line with PAN 77 *Designing Safer Places*. In this case the Design Statement satisfactorily explains the developers approach in delivering the character areas associated with phase 1. The mixture of house types and the massing, scale, positioning within the plot and boundary definition are well thought out providing surveillance of the street, open spaces and paths. An appropriate density for each character area is achieved and the overall detailing of the buildings and palette of materials to be employed for each character area is well presented and provides clear definition to the character area.
- 203 Taking this into account the proposal is in line with Policy PM1A, Policy PM1B, Policy PM1C - Placemaking of the LDP as well as the Scottish Government's *Designing Streets* and *Designing Safer Places*.



### **Private Amenity Space**

- 204 The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately overtime this will change with any new occupants. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future.

### **Overlooking**

- 205 In this case I do not consider the proposed residential units will result in overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings.

### **Overshadowing, loss of sunlight and daylight.**

- 206 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. It should be noted that the standards are not mandatory and should be interpreted flexibly. Taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties and the extent of overshadowing of amenity ground does not warrant refusal due to the orientation and distances between properties.

### **Developer Contributions**

- 207 A legal agreement is required to secure infrastructure for Bertha Park, to ensure it complies with Policy PM3 Infrastructure Contributions.

### **Economic Impact**

- 208 The socio-economic assessment within the Environmental Statement has determined that the project will have a positive effect in terms of job creation in the area during the construction period and once the proposed employment land is developed and operational.
- 209 The Environmental Statement estimates that between 60-180 construction jobs will be created during this phase of the development.
- 210 During the operational stage, the population increases are not expected to cause a significant negative impact. For this Phase 1 detailed application an estimated 2616 additional residents are expected, the design has incorporated new community facilities, associated public infrastructure and transport services to accommodate the rise in population. In addition, a beneficial effect is expected as a result of the increase in jobs and economic activity. Job opportunities will be provided from the leisure and community facilities, primary

and secondary schools and increased demand to council services (i.e. public transport, waste collections and maintenance of utilities etc).

- 211 The Masterplan involves the creation of 25 hectares of employment land for new jobs and businesses. It is estimated that around 300 jobs will be created as a result of Phase 1, with around a further 2,000 jobs created as a result of Phase 3. While this is consistent with Policy 3 (Managing TAYplan's Assets) supports employment land within principal settlements the phasing of employment land should be controlled in a manner that allows this to come forward when required, as discussed in the assessment of the in-principle application for Bertha Park. This can be looked at and secured in the delivery plan and via the Legal Agreement.
- 212 Taking the above into account, the proposal would make a significant contribution towards delivering the visions contained within Perth and Kinross Council's Community Plan and Corporate Plan and the City Plan.

### **Content and Adequacy of the Environmental Statement**

- 213 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 214 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA.
- 215 The content and the associated background information of the Environmental Statement are considered to meet the requirements of those regulations. In this case Council officers are satisfied with the findings of the Environmental Statement and how it relates to the detailed application for phase 1.

### **LEGAL AGREEMENTS**

- 216 A legal agreement is required to secure infrastructure for Bertha Park. The following heads of terms are still being discussed between the parties associated with the earlier in-principle application. They are still of relevance to this detailed application:-

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.

- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.
- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

### **DIRECTION BY SCOTTISH MINISTERS**

217 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there has 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**

218 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the phase 1 detailed application is part of the Strategic Development Area of West/North West Perth in TAYplan 2012 and an allocated site within the LDP, thus complies with the locational requirements of both development plans.

219 In the assessment of the in-principle application the submission of a high quality Masterplan successfully demonstrated Springfield's vision for Bertha Park. This detailed phase 1 application delivers the central phase of Bertha Park, the design statement and detailed plans further illustrates Springfield's vision for a high quality countryside community at Bertha Park with all the supporting infrastructure, facilities and amenities demanded by modern life.

220 The proposed phase 1 development is therefore considered to comply with the over-riding thrust of the development if appropriate mitigation is secured by conditional control and legal agreement.

## **RECOMMENDATION**

### **Approve the application**

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

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

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

- 2 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.

*Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.*

- 3 Prior to the commencement of development the extent of the economic mineral resource to be won on site, shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.

*Reason: To ensure the economic mineral resource on the site is not sterilised.*

- 4 Prior to the commencement of development a mineral working programme and phasing plan for the economic mineral resource to be won on site shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.

*Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.*

- 5 No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

*Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.*

- 6 The foul drainage shall be drained to the mains sewerage system the details of which shall be submitted to and approved in writing by the planning authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented to coincide with the occupation of the development.

*Reason: in the interests of public health and to prevent pollution.*

- 7 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.*

- 8 Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the 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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.

*Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.*

- 9 Development shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) has been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

*Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.*

- 10 Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS

and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

*Reason: In the interests of best practise surface water management, biodiversity, to avoid undue risks to public safety and flood risk.*

- 11 For the avoidance of any doubt the domestic and non-domestic buildings to be erected shall comply with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'. The sustainability label shall be provided for the written approval of the Planning Authority prior to the occupation of the domestic or non-domestic building.

*Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.*

- 12 Prior to the commencement of the development details of the play park (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.

*Reason: To ensure the delivery of recreational facilities for the occupants of the development.*

- 13 Prior to the commencement of development a woodland management plan for a minimum of twenty years, including long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the woodland management plan shall be carried out as approved on commencement of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

*Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.*

- 14 Prior to the commencement of the development details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines and substations.

- d) The location of new trees, shrubs, hedges, grassed areas and water features.
  - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
  - f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
  - g) An indication of existing trees, shrubs and hedges to be removed.
  - h) Details of areas of public open space.
  - i) Details of areas for allotments.
  - j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.
- 15 All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site or such other date as may be agreed in writing with the Planning Authority.
- 16 Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.
- Reason: to ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.*
- 17 Prior to the commencement of development a detailed plan of public access across the site (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:
- a) All existing paths, tracks & rights of way.
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
  - c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
  - d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development

- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

*Reason: In the interest of sustainable transportation.*

- 18 No part of the approved development is permitted to be occupied until the A9/A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, has been designed, approved and implemented to the satisfaction of the Planning Authority in consultation with Transport Scotland.

*Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.*

- 19 No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

*Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.*

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

*Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.*

- 21 No development shall commence until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.



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

- 22 No development shall commence until a detailed specification for the emergency access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency access arrangements to accord with the agreed timescales shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

*Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.*

- 23 Prior to the completion of the development, all watercourses on the site as referred to in the FRA dated 18 June 2015) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.

*Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.*

- 24 The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

*Reason: To reduce flood risk.*

- 25 The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land, a minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the FRA dated 18 June 2015) within the extents of the proposed development.

*Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce floodrisk.*

- 26 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all

construction elements. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

*Reason: In the interest of protecting environmental quality and of bio-diversity*

- 27 Two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the 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.
- 28 The ECOW shall have responsibility for the following:
- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
  - b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
  - c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.
- 29 The ECOW is required to notify the Planning Authority:-
- a) If there has been a requirement to stop or alter works in relation to this condition.
  - b) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.
  - c) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

*Reason: In order to ensure that the appointed ECOW is suitably qualified and has a suitable job description and powers.*

- 30 No development shall take place until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with SNH. The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

*Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.*

- 31 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.
- a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.
  - f) Timing and duration of monitoring.
  - g) Responsible persons and lines of communication.
  - h) Review, and where appropriate, publication of results and outcomes.
- 32 A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 33 The monitoring strategy will be implemented in accordance with the approved details.

*Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.*

- 34 No development shall take place until the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

*Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.*

- 35 No development shall commence until a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and thereafter maintained to the satisfaction of the Planning Authority.

*Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site.*

- 36 No works in connection with the development hereby approved shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of and the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

*Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.*

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

within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

*Reason: To safeguard any archaeological interest of the site.*

- 38 Prior to the commencement of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

#### Bin Dimensions

| Capacity (litres) | Width (mm) | Height (mm) | Depth (mm) |
|-------------------|------------|-------------|------------|
| 240               | 580        | 1100        | 740        |

*Reason: in the interests of the sustainable disposal of waste.*

- 39 Prior to the commencement of development, a strategy to ensure noise levels are reasonable internally utilizing dwelling layouts and appropriate double glazing with trickle vents shall be submitted to the satisfaction of the planning authority and thereafter implemented. The strategy shall focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary beside the Inveralmond Industrial Estate.

*Reason: To prevent disturbance from noise.*

- 40 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

*Reason: To prevent disturbance from noise and odour.*

- 41 All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason: To prevent disturbance from noise.*

- 42 Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00

*Reason: To prevent disturbance from noise.*

- 43 Noise from any air source heat pump or other external residential plant equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason: To prevent disturbance from noise.*

- 44 For commercial and industrial areas all external lighting to be installed 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.

*Reason: To prevent disturbance from lighting.*

- 45 Prior to the commencement of development, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

*Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.*

- 46 Prior to the completion or bringing into use any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

*Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.*

- 47 Prior to the commencement of development a Feasibility Study shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

*Reason: To identify future district heating opportunities for the development.*

- 48 The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.

*Reason: To comply with the Council's approved policy on affordable housing.*

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out below has been completed and signed to reflect the current planning reference 15/01109/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

- A Delivery Plan.
- Servicing of Secondary School land.
- Delivery of Primary School(s).
- Transport and Transport Infrastructure.
- Delivery of Park and Ride site.
- Delivery of Public Transport.
- Delivery of Serviced Employment Land.

- Delivery of Affordable Housing.
- Delivery of Open Space, paths and associated maintenance.
- Delivery of Community Facilities and Healthcare.
- Contribution towards a Community Fund.
- Minerals.

## **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 development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.



- 6 The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 8 The applicant is advised that in terms of Sections 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 the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
- 9 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 10 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 11 No work shall be commenced until an application for building warrant has been submitted and approved.
- 12 Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.
- 13 Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in such areas to the satisfaction of the planning authority.
- 14 Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
- 15 Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.

Background Papers: Two letters of representation  
Contact Officer: John Russel – Ext 75346  
Date: 25 May 2016

**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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You can also send us a text message on 07824 498145.

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