

Perth and Kinross Council  
Planning & Development Management Committee – 16 January 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/9)

<b>PROPOSAL:</b>	Low carbon energy park including solar, heat pump, biomass and combined heat and power generation, power distribution and storage with associated vehicle access and service infrastructure
<b>LOCATION:</b>	Land At Cotton Wood, Lamberkine Wood, Coldwells Wood, Broxden Wood, Gallowspark Wood and East Lamberkin Farm, Perth

Ref. No: [18/00012/PAN](#)

Ward No: P9- Almond and Earn

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for proposed low carbon energy park and associated infrastructure. The report also aims to highlight the key planning policies, the likely stakeholders who would be involved in the decision making process and to offer a brief overview of the key material planning issues which are likely to be relevant to the proposal.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicant has submitted a Proposal of Application Notice (PoAN) on 16 October 2018. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in any planning application.

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

- 2 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission 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.
- 3 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. The EIA Report 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. An EIA Screening request is yet to be submitted.

## **PRE-APPLICATION CONSULTATION**

- 4 The PoAN outlined that a public exhibition will be held at Forteviot Hall on 15 January 2019. Earn Community Council and local ward Councillors have also been notified and invited to attend. The results of the community consultation will require to be submitted with any application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

- 7 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74 – 83
  - Delivering Heat and Electricity: paragraphs 152 -173
  - Valuing the Natural Environment: paragraphs 193-218
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

## **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - Climate Change Plan: Third Report on proposals and policies 2018-2032 (February 2018)
  - The future of energy in Scotland: Scottish Energy Strategy (December 2017)

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2016-2036**

- 11 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 12 “By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”
- 13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 2: Shaping Better Quality Places**

- 14 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 6: Developer Contributions**

- 15 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and

public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 7: Energy, Waste and Resources**

- 16 Development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified.

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

- 17 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;

#### **Policy PM1A – Placemaking**

- 19 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 adaption.

#### **Policy PM1B – Placemaking**

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

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

- 21 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**

- 22 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 TA1B - Transport Standards and Accessibility Requirements**

- 23 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 CF2 – Public Access**

- 24 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 HE1B – Non-Designated Archaeology**

- 25 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.

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

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

### **Policy HE5 – Protection, Promotion and Interpretation of Historic Battlefields**

- 27 Battlefields included on the Inventory of Historic Battlefields will be protected.

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

- 28 Support will be given to proposals 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**

- 29 Where there are existing trees on a development site, any application should be accompanied by a tree survey. Where the loss of individual trees or woodland cover is unavoidable, mitigation measures should be provided.

### **Policy NE3 – Biodiversity**

- 30 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**

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

#### **Policy NE5 - Green Belt**

- 32 Development in the Green Belt will only be allowed where it conforms with the criteria set out.

#### **Policy ER1A – Renewable and Low Carbon Energy Generation**

- 33 Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

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

- 34 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

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

- 35 Sustainable design and construction will be integral to new development within Perth & Kinross.

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

- 36 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 EP3C - Water, Environment and Drainage**

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

#### **Policy EP8 – Noise Pollution**

- 38 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**

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

## **OTHER POLICIES**

- 40 The following guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

## **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 41 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 42 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 43 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 44 None.

## **CONSULTATIONS**

45 As part of the planning application process the following bodies will be consulted:

46 **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Transport Scotland
- Scottish Water
- Historic Environment Scotland (HES)
- Forestry Commission Scotland (FCS)
- Royal Society for Protection of Birds (RSPB)
- Perth and Kinross Heritage Trust (PKHT)
- Earn Community Council
- Scottish Gas Networks (SGN)

47 **Internal**

- Environmental Health
- Strategy & Policy
- Developer Negotiations Officer
- Community Greenspace (including Access)
- Transport Planning
- Structures and Flooding
- Conservation Planning
- Waste Services
- Biodiversity Officer

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

48 The key considerations against which the eventual application will be assessed include:

- a. Principle of development
- b. Need
- b. Landscape and visual impact
- c. Scale, design and layout
- d. Relationship with surrounding land uses
- e. Natural heritage and ecology
- f. Landscaping
- g. Water resources and soils
- h. Transport implications in particular Trunk Road
- i. Open space provision
- j. Access provision
- k. Waste
- l. Impact on green belt



- m. Economic impact
- n. Flooding & drainage
- o. Cultural heritage including archaeology and battlefields

### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 49 Should an EIA Report not be required, the following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Ground Investigation Report
  - Phase 1 Habitat Survey including Protected Species
  - Cultural Heritage Assessment
  - Tree Survey
  - Noise Assessment
  - Air Quality Assessment
  - Sustainability Assessment
  - Waste Management and Minimisation Plan
  - Economic Assessment
- 50 If an EIA Report is required, the necessary topics within the assessment can be determined through an EIA Scoping process. This would likely include at least some, if not all, of the matters identified above.

### **CONCLUSION AND RECOMMENDATION**

- 51 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
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Date: 24 December 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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