

Perth and Kinross Council
Planning & Development Management Committee – 13 February 2019
Report of Handling by Interim Development Quality Manager (Report No. 19/40)

PROPOSAL: Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM (residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)).

LOCATION: Land at Bertha Park, Perth.

Ref. No: [18/01800/IPM](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval of the application as the proposal complies with the Development Plan and there are no contrary material considerations which would outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The planning application site, known as Bertha Park, is allocated in the Perth and Kinross Local Development Plan (LDP) as site H7 for 3,000 dwelling houses and in excess of 25 ha employment land. The site extends to an area of 333ha of agricultural land and woodland. The site is located at Bertha Park farm, elevated above the River Almond and Inveralmond Industrial estate to the south and contained by Bertha Wood and Bertha Loch to the north. To the east, the site is contained by the A9, the Inverness railway line and the River Tay beyond. The Gelly Burn watercourse defines the southern and southwestern boundaries, with Almondbank village beyond the burn to the southwest.
- 2 Planning permission in principle was originally approved for the whole site on the 12 December 2016, following the satisfactory conclusion of a Section 75 agreement. The approved development consists of residential development with community facilities, employment land, open space, landscaping and associated infrastructure (ref 15/01112/IPM). Full Planning permission also exists, independently of the In Principle permission, for part of Phase 1 (ref 15/01109/FLM). Fundamentally, this detailed permission does not cover Phase 1.2, as identified in plans 18/01800/4, 5 and 6.
- 3 At present, under the In Principle permission, application(s) for Phase 1 of the Approval of Matters Specified in Conditions was required within 2 years of the approval. This Section 42 Application now seeks to amend the required timing

for the submission of these applications within Phase 1 (which Condition 1 of 15/01112/IPM refers) and the related phasing of the development thereafter (Condition 2 of 15/01112/IPM refers). Specifically, for the employment use areas within Phase 1.2 (the second serviced employment area), up to 9 years from the date of any permission granted through this application is being sought.

- 4 Section 42 of the Town and Country Planning (Scotland) Act 1997 allows applications for Planning Permission to be made to develop land without complying with conditions previously attached. Annex I within the Scottish Government Circular 3/2013: Development Management Procedures provides advice on dealing with Section 42 applications. It confirms in paragraph 2a) that the effect of granting permission for a Section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered and would not be varied by the decision on any Section 42 application. Authorities may direct that a longer or shorter period for any approval may apply. In this case the applicant is seeking to extend the time period to 2028 for the submission of all applications for the Approval of Matters Specified in Conditions for Phase 1.
- 5 The principle of development is clearly established through the LDP allocation and the extant consents and this cannot be considered directly as part of this application. The determining issue in this application is, therefore, whether: the amendment of Condition 1 and 2 of planning permission 15/01112/IPM would be reasonable and consistent with the relevant provisions of the Development Plan; or if an exception to these provisions is justified by other material considerations.
- 6 Physical development for Phase 1.2 is therefore not being sought here and would require consideration through an application for Approval of Matters Specified in Conditions (or be subject of a further standalone detailed application and associated legal agreement). It is anticipated that subsequent Matters Specified applications would follow from any permission granted here. The applicant indicates in their current planning statement (plan reference 18/01800/17) that development would take place over 3 principal phases, based on approximately 100 dwellings per annum being completed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 An Environmental Statement (ES) was submitted and assessed as part of the 15/01112/IPM application. The applicant has submitted an up-to-date EIA Addendum for this S42 application, which assesses the implications of the proposals. The original ES, the 2016 Supplementary Environmental Information and this Addendum cumulatively form the EIA Report for considering this EIA development. This assessment concludes that the impacts arising from this development have not changed from the original EIA development.

PRE-APPLICATION CONSULTATION

- 8 The Pre-Application Consultation (PAC) requirements have been fulfilled in relation to the submission of planning application 15/01112/IPM. There is no further PAC required for Section 42 applications.

NATIONAL POLICY AND GUIDANCE

- 9 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

- 10 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

- 11 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.
- 12 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

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

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

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

Policy 2: Shaping Better Quality Places

- 17 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 8: Green Networks

- 18 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Perth and Kinross Local Development Plan 2014

- 19 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.
- 20 The principal relevant policies are, in summary;

Bertha Park H7

- 21 This site covers allocated development site 'Bertha Park H7' for 3,000 dwellings and in excess of 25 ha employment land.

Policy PM1A - Placemaking

- 22 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

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

Policy PM1C - Placemaking

- 24 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 25 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.
- 26 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.
- 27 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

- 28 [14/00001/PAN](#) Proposed housing development. PAN Decision Issued 10 February 2014.
- 29 14/01318/SCRN Residential development. Application Withdrawn.
- 30 [14/01767/SCOP](#) Housing development. Scoping decision issued 24 November 2014.
- 31 [15/01079/SCRN](#) Erection of primary and secondary school, associated road infrastructure and landscaping. Screening Decision Issued 15 July 2015.
- 32 [15/01109/FLM](#) Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works. Approved by Development Management Committee September 2016 (Decision Issued 12 December 2016).
- 33 [15/01112/IPM](#) Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle) Approved by Development Management Committee September 2016 (Decision Issued 12 December 2016).
- 34 [17/00198/FLM](#) Erection of school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works. Approved by Development Management Committee May 2017 (Decision Issued 25 May 2017).
- 35 [17/00919/FLM](#) Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works (revised site layout and change of house types) Approved by Development Management Committee August 2017 (Decision Issued 30 August 2017).
- 36 [17/01232/FLL](#) Re-contouring of land. Approved under delegated powers 18 August 2017.
- 37 [17/02242/FLL](#) Erection of 2no. dwellinghouses and 8no. flats (revised design and layout). Approved under delegated powers 20 February 2018.
- 38 [18/00357/ADV](#) Display of a sign. Approved under delegated powers 27 April 2018.
- 39 [18/00358/ADV](#) Display of a sign. Approved under delegated powers 27 April 2018.

- 40 [18/00430/FLM](#) Erection of 62no. dwellinghouses and associated works (change of house type to include sunrooms for plots 10001-10043, 10070-10071 and 10075-10091). Approved by Development Management Committee (Decision Issued 6 June 2018)
- 41 [18/01487/ADV](#) Display of signs and flag poles. Approved under delegated powers 2 October 2018.

CONSULTATIONS

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

EXTERNAL

Transport Scotland

- 43 Do not support the granting of consent without additional conditions and confirm that they have no response to the EIA Report.

Methven Community Council

- 44 No comments received.

The Scottish Government

- 45 No comments made.

Tay Salmon Fisheries Board

- 46 No comments received.

R S P B

- 47 No comments received.

Forestry Commission Scotland

- 48 No objection, subject to an additional condition to secure further consultation for the details of the compensatory tree planting.

Perth and Kinross Heritage Trust

- 49 No objection, acknowledging work undertaken through initial construction elements. PKHT clarified that re-applying archaeological conditions remained applicable with the work still to be undertaken in various phases.

Historic Environment Scotland

- 50 Acknowledged the consultation request with no comments to offer.

Luncarty, Redgorton and Moneydie Community Council

- 51 Objection received, summarised in the representation section of the report.

Scottish Natural Heritage

- 52 No comments to make based on proposals.

National Grid Plant Protection Team

- 53 No comments received.

Scottish Water

- 54 No objection to proposals.

Scottish Environment Protection Agency

- 55 No comments received.

INTERNAL

Strategy and Policy

- 56 No direct objection to the principle of an extended timescale, but urged that, notwithstanding the delivery plan, serviced employment land is brought forward at an earlier date than the full timescale being sought.

Biodiversity Officer

- 57 No objection subject to ensuring appropriate compliance with the associated suspensive conditions relating to the original permission, including conditions 3 (p) and 24, relating to further ecological survey work and monitoring respectively. The additional timescales are the biggest factor in requiring appropriate detail to come in and support any associated phase of the development, including that within Phase 1.2 to which this relates.

Transport Planning

- 58 No objection.

Environmental Health (Noise Odour)

- 59 No objection to the application.

Structures and Flooding

- 60 No objection.

Development Negotiations Officer

61 No objection.

Community Greenspace

62 No comment received.

Community Waste Advisor - Environment Service

63 No comment received.

REPRESENTATIONS

64 Luncarty, Redgorton and Moneydie Community Council submitted a comprehensive consultation response, objecting to the application, which is summarised as follows:

- Challenged that a new provision of the permission is being sought whilst permission for this element has now lapsed and does not benefit from a current EIA.
- Reference made to a Park and Ride, which is not identified in the LDP or the terms of planning permission 15/01112/IPM.
- Contrary to site specific developer requirements of the LDP in relation to integrating into the existing landscape framework and protecting ancient woodland.
- Premature to consider in advance of the full consideration of LDP2 by the DPEA.
- Unexplained gaps in delivery between the development phasing plan, masterplan and land area consented under planning permission 15/01112/IPM.
- Failure to identify cumulative impacts with other developments.
- Questioned accuracy of statements made and information submitted including what was set out in the assessment of 15/01112/IPM permission.

The applicant volunteered a response to the points set out in the Community Council response, which has been uploaded publicly as part of the planning submission.

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

ADDITIONAL STATEMENTS

66	Environment Statement	Update EIA information and original ES Submitted
	Screening Opinion	Not Required
	Environmental Impact Assessment	Updated EIA Information (where required) Submitted

Appropriate Assessment	Not Required – previously undertaken
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Not Required

APPRAISAL

- 67 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance as set out.

Principle

- 68 The Proposed LDP2 identifies the site within the settlement boundary as an area of major development, acknowledging that the site has an in principle permission for the full site, a detailed permission for Phase 1, and that development has started as part of detailed permission 15/01109/FLM.
- 69 There were objections to the site received through the LDP2 consultation, relating to tree loss and the Habitats Regulations Appraisal and the River Tay SAC. The site is, however, already confirmed in the existing LDP and it has the benefit of an extant planning permission, and its status as such cannot be altered by the Examination of the Proposed LDP2.
- 70 In terms of ensuring a sustainable neighbourhood, in line with placemaking policy objectives and delivering employment land, there are the following commitments:
- 71 The delivery plan submitted (approved in March 2018) identified the following timescales in relation to the second serviced employment land (in Phase 1.2):
- Marketing to commence January 2023
 - Available May 2024
 - Phase 1 PPP area to commence January 2024
- 72 The S75 agreement also sets out requirements in relation to the phased delivery of the site. Specifically, for the second serviced employment area the trigger for servicing it remains no “... later than the sale of 50% of the Residential Units within the first phase of Development”. This planning application does not propose to alter the original S75 in terms of its trigger for the delivery of serviced employment land. Clarification with the applicant has in fact confirmed that the servicing requirements for this second area have already been met, ahead of schedule.
- 73 Strategy and Policy colleagues originally recommended that Phase 1.2 should continue to be conditioned to be ‘made available’ by May 2024. This was the commitment set out in the approved March 2018 Delivery Plan submitted by the applicant. It was considered appropriate to re-visit what the term ‘made available’ constitutes. The key objective for the Planning Authority is to secure

- an appropriate interim commitment, ensuring sufficient information and certainty for prospective commercial operators as early as possible.
- 74 Since defining what will be delivered in Phase 1.2, and acknowledging the timing is not wholly within the applicant's control, some flexibility on the original obligation is considered acceptable. There has been a commitment from the applicant that a comprehensive marketing plan will be provided by March 2019, which should assist in progressing this element as the market allows. Notwithstanding, to ensure ongoing commitment to pursuing and enabling serviced employment land at the earliest reasonable opportunity, it is considered appropriate to request an updated Delivery Plan for approval. A requirement for an updated Delivery Plan is therefore recommended through Condition 2, which includes a requirement for an application for the Approval of Matters Specified in Conditions by May 2024 for the layout and plot definition with associated site servicing specific to Phase 1.2. This will give more certainty and should assist in attracting commercial interest as early as possible, whilst still acknowledging that the applicant is unlikely to know the details of how this area will be developed. Ultimately, this still provides the applicant with the longer term flexibility of up to 9 years sought to submit all Approval of Matters Specified in Conditions applications within Phase 1 of the site.
- 75 Overall, there is no Development Plan impediment to the flexibility sought as reasonable efforts are being made to progress the employment uses alongside the delivery of residential uses, and assurances have been made with regards to marketing and availability of employment opportunities.

Natural Heritage and Biodiversity

- 76 The proposal requests that the timing of Phase 1 be split into two; to enable part of the development to come forward at a later date. The EIA Addendum concludes that the change in timing for delivery of Phase 1.2 does not alter the conclusions of the 2015 ES or 2016 Supplementary Environmental Information. No further surveys have been submitted or have been required to support this conclusion, however. The conditions of the original permission, which support the phased enhancement of biodiversity, alongside the appointment of an independent Ecological Clerk of Works, remains applicable.
- 77 These requirements can be secured through the re-application of the associated suspensive conditions (Condition 3 (p) and Condition 24). Condition 3(p), which also applied to 15/01102/IPM, requires that further surveys shall be undertaken to inform preparation and implementation of corresponding phases. It is acknowledged that the long timeframes associated with the phasing of the development mean many of the conclusions of the original ES will be out of date by the time the phases are introduced. These conditions will redress this. Condition 24 requires a biodiversity monitoring strategy. The strategy will identify that a report will be provided on an annual basis.
- 78 In summary, the re-application of the original conditions, in relation to biodiversity and environmental impacts, are considered to adequately cover any concerns to support a longer timescale for the submission of approval of matters specified applications pertaining to Phase 1.2.

Trees

- 79 In response to the Forestry Commission Scotland's response (FCS), they were advised that, in light of reviewing the extant permission and the current application, there was no original consultation response from Forestry Commission Scotland. As a consequence, no condition requiring FCS consultation on the compensatory planting to be agreed on the original permission. It was clarified to FCS that their request has been appropriately covered through an approved woodland management plan (condition 3(o)) which was reviewed and approved by a tree officer in the Community Greenspace team. On this basis, it is not considered necessary to add the additional suspensive condition they had sought.

Economic Impact

- 80 The socio-economic assessment within the 2015 ES considered that the project will have a positive effect in terms of job creation in the area both during the construction period and once the proposed employment lands is developed and operational.
- 81 Supporting this application, and allowing reasonable time for the approval of matters specified applications pertaining to Phase 1.2, is beneficial in facilitating the employment land which will form part of the centre of Bertha Park village, supporting other associated infrastructure such as public transport, consistent with the original impacts forecast in the ES.

Other Site Circumstances

- 82 There has been a change to site circumstances since the previous 'In Principle' planning approval was assessed, given the partial build out of the development approved in application 15/01109/FLM, which was originally submitted in tandem with application 15/01112/IPM. Furthermore, the delivery of the A9/A85 junction improvements and associated site access are now open to the public. Further, Bertha Park High School is also now in the final stages of completion, intended to open in the new school year (August 2019).
- 83 The original report on application 15/01112/IPM comprehensively covered a number of topics including Affordable Housing, Employment Land, Education, Traffic, Drainage and Flooding, Air Quality, District Heating, Developer Contributions, Residential Amenity, Design, Layout and Landscaping, Built and Natural Heritage and Sustainability. It is considered that these matters have been satisfactorily addressed or covered via the earlier in principle application and are not changing as a consequence of this application. Accordingly, it is appropriate to recommend that planning conditions relating to these matters be included for this application and applied to any permission granted here.

LEGAL AGREEMENTS

- 84 If planning permission be granted here, a variation of the existing S75 legal agreement will be required in order to make reference to the new planning permission. In the interests of ensuring no delay to the development's delivery, an application for the Modification of Planning Obligation (MPO) has already

been submitted in tandem with this application and is pending determination (Ref: 18/02270/MPO).

85 In relation to the associated developer contributions and infrastructure provision, the S75 legal agreement in place covers the following areas:

- Secondary school provision
- Primary school delivery
- Transport and transport infrastructure
- Park and ride land provision
- Public transport
- Delivery of serviced employment land
- Delivery of affordable housing
- Delivery of open space, paths and associated maintenance
- Delivery of community facilities
- Community fund contribution
- Minerals extraction

SUMMARY

86 Approval of this Section 42 application will amend the timing of the construction of the commercial uses within Phase 1.2, while continuing to secure its delivery in the longer term as a part of the overall Bertha Park development. Through the proposed amended wording of Condition 2, the commitment to a finalised layout and site servicing seeks to secure this at an earlier date, providing additional assurance to the Planning Authority and improving site and plot marketability for affected areas within Phase 1.2.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

88 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, subject to conditional control, with the aforementioned amendments, I am content that the development proposed does not conflict with the Development Plan.

89 Accordingly this Section 42 application is recommended for approval, subject to the addition of an appropriately worded direction in place of original condition 1 and all relevant conditions, which includes appropriate revisions or additions of conditions. This recommendation will ensure continued commitment of Phase 1.2 and its appropriate phased delivery.

RECOMMENDATION

A DIRECTION

The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. All application(s) for Phase 1 of the Approval of Matters Specified in Conditions shall be made no later than 9 years from the date of this permission, the application(s) for Phase 2 of the Approval of Matters Specified in Conditions shall be made no later than 11 years from the date of original planning permission 15/01112/IPM and the application(s) for Phase 3 of the Approval of Matters Specified in Conditions shall be made no later than 21 years from the date of original planning permission 15/01112/IPM or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.

Conditions and Reasons for Recommendation

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. This is an application in principle.

- 2 Within 12 months of the date of this decision notice, a revised delivery plan confirming the updated phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. A revised delivery plan shall include a commitment to the submission of an application for the approval of matters specified no later than May 2024, covering (as a minimum) the road layout and associated plot servicing for Phase 1.2. 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 No development shall commence on each phase of the development until formal application(s) for the Approval of Matters Specified in Conditions has been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan:-
- a) The delivery of the development in phases associated with the character areas prescribed in Bertha Park's masterplan.
 - b) Details of all cut and fill operations.
 - c) Details on the removal of mineral resource from the site or on-site use of the mineral resource to ensure the resource is not sterilised.
 - d) Full details of the proposed means of disposal of foul water to serve the development.
 - e) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - f) The siting, design, height and external materials of all buildings or structures.
 - g) Measures to maximise environmental sustainability through design, orientation and planting or any other means.
 - h) Details of any screen walls/fencing to be provided.
 - i) Details of all landscaping, planting, screening, open space and allotments associated with the development.
 - j) Details of play areas and the equipment to be installed.
 - k) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
 - l) The detailed specification of all street and footpath lighting.
 - m) Further supplementary noise surveys shall be undertaken to inform the preparation and implementation of corresponding phases and include noise mitigation measures where necessary.
 - n) A detailed plan of public access across the site (existing, during construction & upon completion).
 - o) A Woodland Management Plan for all woodland areas and timescales for implementation.
 - p) Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

The development shall be implemented in accordance with the planning application(s) and the approved details.

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 4 In pursuance of condition 3 c) removal of mineral resource from the site or on-site use of the mineral resource:-
- a) Prior to the extraction of the economic mineral resource to be won on site, the extent of the economic mineral resource shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
 - b) Prior to the extraction of the economic mineral resource a mineral working programme and phasing plan 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.
 - c) 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.

- 5 In pursuance of condition 3 d), foul drainage for each phase of the development shall be drained to the mains sewerage system or instillation by means of an adoptable sewerage and plant 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 prior to the completion of the development.

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

- 6 In pursuance of condition 3 e), disposal of surface water:-
- a) 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 associated with each development phase. 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.
 - b) 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.
 - c) Development shall not commence on each phase 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.

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.

- d) Development shall not commence on each phase until the design of all new and existing culverts/bridges and associated features (such as screens) for that phase have 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 phase into use.
- e) 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, bio-diversity, to avoid undue risks to public safety and flood risk.

- 7 In pursuance of condition 3 g), measures to maximise environmental sustainability through design, orientation and planting or any other means, each development phase shall also include:-
 - a) The submission of sustainability checklists.
 - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
 - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'.

Following written approval from the Planning Authority the development phase shall be undertaken in accordance with the approved details.

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.

- 8 In pursuance of condition 3 k) future application(s) for development areas within the masterplan shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

- 9 In pursuance of condition 3 i), landscaping, planting, screening, open space and allotments shall be submitted as part of the matters specified by condition application for each phase of development. 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.

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.

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.

- 10 In pursuance of condition 3 n), a detailed plan of public access across the site (existing, during construction & upon completion), for each phase of development, will 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.

- 11 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.

- 12 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.

- 13 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.

- 14 No development shall commence until a Construction Traffic Management Plan (CTMP) 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.

- 15 Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of lighting within the site likely to impact on the trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

- 16 Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of the barrier / boundary fencing and frontage landscaping treatment along the A9 trunk road boundary shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

- 17 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.

- 18 Prior to the completion of each phase of the development, all watercourses on the site Gelly, unnamed watercourse and unnamed drains 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.

- 19 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.

- 20 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 (Gelly, unnamed watercourse and unnamed drains 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 flood-risk.

- 21 Prior to the commencement of each phase 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 phases of the 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 of that phase shall be fully undertaken in accordance with the agreed CEMP.

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

- 22 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 phases. 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 phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase 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.

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.

- The ECOW is required to notify the Planning Authority:-
- d) If there has been a requirement to stop or alter works in relation to this condition.
 - e) 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.
 - f) 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.

- 23 No development shall take place on the development phase 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 in the 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 phase 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.

- 24 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.

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.

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.

- 25 No development shall take place on the development phase 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.

- 26 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.

- 27 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.

- 28 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.

- 29 For each phase 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) (mm)	Width (mm)	Height (mm)	Depth
240	580	1100	740

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

- 30 Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

- 31 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc., must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: To prevent disturbance from noise.

- 32 Prior to the commencement of development of each phase, 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.

- 33 Prior to the completion or bringing into use of any part of the development phase 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 phase of 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.

- 34 Prior to 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.

- 35 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

The decision notice shall not be issued until the Section 75 Agreement relating to In Principle permission 15/01112/IPM has been varied taking account of this application. The legal agreement shall be updated and registered within 4 months of the date of any Committee approval.

D INFORMATIVES

- 1 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 outwith the application site. These works themselves may require the submission of a planning application.
- 2 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 3 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.
- 4 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.
- 5 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 6 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.
- 7 No work shall be commenced until an application for building warrant has been submitted and approved.
- 8 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.
- 9 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.
- 10 Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.

- 11 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.
- 12 The applicant is advised to pay full cognisance to PKC Flooding and Flood Risk Guidance Document (June 2014).
- 16 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01112/IPM. This permission continues to be tied by this legal agreement (or any agreed amendment thereof) and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

Background Papers: 1 letter of representation
Contact Officer: Callum Petrie – 01738 475353
Date: 31 January 2019

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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