Perth and Kinross Council

<u>Planning & Development Management Committee – 19 January 2022</u> <u>Report of Handling by Head of Planning & Development</u> (Report No. 22/3)

PROPOSAL:	Residential development, landscaping, and associated works (in
	principle)

**LOCATION:** Middleton of Fonab (Site H38) Foss Road, Pitlochry

Ref. No: <u>21/00510/IPM</u> Ward No: P4 - Highland

# Summary

This report recommends approval of the application, as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would warrant departing from the Development Plan.

# **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site extends to 5.99 hectares (ha) and includes all of allocation H38 (5.2ha) within the Perth and Kinross Local Development Plan 2019 (LDP2) with the remaining 0.79ha outwith the allocation but within the identified Pitlochry settlement boundary. The H38 allocation is referred to as 'Middleton of Fonab' and provides an indicative capacity of between 54 and 85 homes.
- 2 Situated within the settlement boundary of Pitlochry, the site comprises unused agricultural land located on the south side of the River Tummel, between Foss Road (north) and the A9 Trunk Road to the south. Fonab Cemetery and Fonab Caravan Park lie immediately to the north, whilst Fonab Business Park is to the west of the access road/track. Further afield Pitlochry town centre is some 400 metres to the northeast.
- 3 This application seeks Planning Permission in Principle (PPP) for a residential development. An indicative site layout plan sets out the following:
  - 85 dwellings comprising 77 houses with between two and four bedrooms and 8 either one or two bedroomed flats;
  - Vehicular access from Foss Road;
  - An extension of Fonab Cemetery, at the southeast of the cemetery;
  - A green travel route through Fonab Cemetery;
  - Acoustic barriers along the boundary with the A9;
  - Retention of trees on the northern boundary;
  - SUDS provision at south-eastern corner.

# ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

4 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening (Ref: 20/01819/SCRN). Having considered

the proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposal is not EIA development.

# **PRE-APPLICATION CONSULTATION (PAC)**

- 5 The proposed development is also classified as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation (PAC) with the local community.
- 6 The related PAC Report supports the application and advises that an online public consultation event was carried out on 20 October 2020 and a website regarding the proposals went live on 5 October 2020. It is also advised that Pitlochry and Moulin Community Council, the 4 ward Councillors and MSP were all notified of the online exhibition. A leaflet drop was also carried out locally, in addition to required newspaper advert. It is considered that the applicant has fulfilled the Scottish Government's statutory requirements for pre-application consultations.

# NATIONAL POLICY AND GUIDANCE

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

# National Planning Framework 2014

8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies, and local authorities.

# **Scottish Planning Policy 2014**

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 10 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
- Valuing the Historic Environment: paragraphs 135-151
- Valuing the Natural Environment: paragraphs 193-218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 233
- Managing Flood Risk and Drainage: paragraphs 254 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 291

#### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 1/2011 Planning and Noise;
  - PAN 2/2011 Planning and Archaeology;
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

#### **Designing Streets 2010**

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

#### **Creating Places 2013**

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

# National Roads Development Guide 2014

14 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.

# **A9 Dualling Project**

15 The A9 dualling programme will upgrade 129km of road between Perth and Inverness from single to dual carriageway. Transport Scotland's £3 billion programme is designed to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian, cycling and public transport facilities. One of the 11 sections programmed to be dualled is the 6.4km road from Pitlochry to Killiecrankie. The proposed application site is situated directly adjacent to the A9, and Road Orders have been served on the landowners affected as some of their land will be required for the dualling project.

# **DEVELOPMENT PLAN**

16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

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

17 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."

- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
  - Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 4: Homes
  - Policy 6: Developer Contributions
  - Policy 8: Green Networks
  - Policy 9: Managing TAYplans Assets
  - Policy 10: Connecting People, Places and Markets

# Perth and Kinross Local Development Plan 2

- 19 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary:
  - Policy 1: Placemaking
  - Policy 2: Design Statements

- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

# LDP2 Allocation

20 H38 is allocated for residential development for between 54 and 85 dwellings.

#### Site-Specific Developer Requirements

- Flood Risk Assessment.
- Drainage Impact Assessment.
- Open watercourses to be retained and protected with a minimum 6m buffer strip and presumption against culverting.
- Access from the local road network with pedestrian and cycle connections onto Logierait Road and enhanced walking and cycling opportunities to town centre.
- Paths within the site to link to the core path network to the west.
- Green infrastructure on the site to link to the wider network along the northern boundary.
- Noise attenuation measures adjacent to A9.
- Landscape Framework.
- Enhancement of biodiversity.
- Compensatory planting for any felled trees will be required.
- An area of land to be reserved for the future expansion of Fonab Cemetery

### **OTHER GUIDANCE**

- 21 Developer Contributions and Affordable Housing Supplementary Guidance April 2020.
- 22 Placemaking Guide 2020.
- 23 Flood Risk and Flood Risk Assessments Developer Guidance January 2021.

### **RELEVANT SITE HISTORY**

- 24 <u>10/01793/FLL</u> Detailed application for the temporary storage of topsoil. Approved December 2010.
- 25 <u>15/00011/PAN</u> Proposal of Application Notice (PoAN) for residential development. Content of PoAN agreed June 2015.
- 26 <u>20/0008/PAN</u> Proposal of Application Notice (PoAN) for residential development. Content of PoAN accepted October 2010.
- 27 <u>20/01819/SCRN</u> EIA Screening request for residential development. Decision issued advising EIA not required December 2020.

#### CONSULTATIONS

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

#### External

- 29 **Scottish Environment Protection Agency (SEPA):** No objection. Advising that they were content for PKC Structures and Flooding to provide detailed feedback on flood risk and drainage issues.
- 30 **Scottish Water:** No objection. Advised of water and wastewater capacity at the Killiecrankie Water Treatment Works and Pitlochry Wastewater Treatment Works.
- 31 **Transport Scotland:** No objection. Recommend that conditions are applied to any permission, including that the A9 dualling upgrade at this location should be completed before any development is commenced.
- 32 **Historic Environment Scotland (HES):** No objection. Advise there is no adverse impact on the nearby Dunfallandy Bell Cairn Scheduled Monument (SM2259).
- 33 **Perth and Kinross Heritage Trust (PKHT):** No objection. Recommend a programme of archaeological work is undertaken, secured through a planning condition applied to any permission.
- 34 **Pitlochry and Moulin Community Council:** No comments.

- 35 **Scottish Gas Networks**: Following a formal search it is confirmed that the proposal will not impact the gas pipelines in the vicinity of the site.
- 36 Scottish Forestry: No comments.

### Internal

- 37 **Planning and Housing Strategy (PHS):** Advise that the principle of residential development on this site is well established through the current LDP2 'H38' allocation. Noting that, whilst this application seeks PPP, an indicative masterplan has been provided showing 85 units, which is the upper end of the capacity range identified. Also advise that the H38 allocation sets out a number of site-specific developer requirements, in respect of flooding, access, biodiversity and cemetery requirements.
- 38 **Transport Planning:** No objection. A number of conditions are recommended, regarding transport design standards.
- 39 **Environmental Health:** No objection. Advise of satisfaction in terms of air quality and noise, subject to a planning condition for the provision of an acoustic barrier.
- 40 **Community Greenspace:** No objection. A condition is recommended regarding open space, SUDs play area provision and expansion of Fonab cemetery.
- 41 **Biodiversity/Tree Officer:** Concerns raised, initially regarding range of surveys undertaken, however, go on to advise that the approach taken for surveys to date can be accepted subject to a programme of re-assessment for the detailed application(s).
- 42 **Structures and Flooding:** No objection on grounds of flood risk. Advise the drainage strategy is acceptable. Conditions recommended regarding SUDs and drainage matters.
- 43 **Development Contributions Officer:** Confirm that developer obligations are required for: affordable housing (25%) and primary education, for which conditions are recommended.
- 44 Waste Services: No objection.

# REPRESENTATIONS

45 None.

# **ADDITIONAL STATEMENTS**

46	EIA Screening Opinion	No EIA Required
	EIA Scoping Opinion	N/A
	Environmental Impact Assessment (EIA):	Not Required
	Environmental Report	
	Appropriate Assessment	Submitted as part of HRA

Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul> <li>Planning Statement</li> <li>Flood Risk Assessment;</li> <li>Drainage Strategy</li> <li>Transport Statement;</li> <li>Air Quality Assessment;</li> <li>Noise Impact Assessment;</li> <li>Heritage Impact Assessment;</li> <li>Ecological Appraisal;</li> <li>Habitats Regulation Appraisal;</li> <li>Landscape and Ecological Management Principles;</li> <li>Tree Survey.</li> </ul>

# APPRAISAL

47 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance as well as the national planning and transport policy.

# Principle

48 The principle of residential development is established through the Tier 3 Settlement status of Pitlochry in TAYplan and the allocation as Site H38 in LDP2 for residential use. TAYplan advising that Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the additional development. Part of the access route into the site is not located within the LDP2 allocation but is within the Pitlochry settlement boundary and is therefore in principle is considered to be acceptable. The principle of residential development is thus established at this location. It is, however, necessary to undertake an assessment of the detail of this proposal.

# **Design and Layout**

49 As a PPP application, the proposals seek to establish the acceptability of the principle of residential use at this location. Precise details such as siting, layout, scale, height, design of buildings is not yet defined. Indeed, the detail of development is likely to evolve, reflecting both market forces and the evolution of new design standards and technology.

- 50 In this case, the submitted Indicative Masterplan demonstrates potential types and location of land-uses, the quantum of development, the extent of built development zones, structure of blue/green infrastructure and principal access points and routes into the site.
- 51 This information, whilst illustrative, is broadly acceptable in planning terms. It provides certainty over some matters of principle, such as where the residential area will be located and the proposed accesses, both of which are considered acceptable in principle. The indicative masterplan shows that nearly 30% of the units have either 1 or 2 bedrooms, across a mix of houses and flats. This is higher than the 10% required by Policy 25 of LDP2 and is welcomed. In addition, there is also the requirement for 25% of all dwellings to be 'affordable housing', as required by LDP2 Policy 20.
- 52 The submitted information provides confidence that the principle of the proposed development is acceptable in planning terms and can be delivered, taking into cognisance required landscape mitigation, while still allowing retention of control over further detailed design matters. Overall, the proposal is considered to comply with LDP 2 Policy 1 – Placemaking, at this principles stage of the planning process and also allows the detailed design to evolve. The detailed design would be confirmed through subsequent applications for the Approval of Matters Specified in Conditions (AMSC) (Condition 1), which, in turn, would be guided by the design and technical matters stipulated in other recommended planning conditions.

### Landscape and Visual

- 53 The capacity of the landscape to absorb the development and mitigation for visual impacts was considered through the LDP2 allocation, which partly leads to some of the site-specific requirements for mitigation. The site topographically faces north-east, away from the A9(T), towards Pitlochry. There is an extensive woodland boundary along Logiegait Road (east) and to the north, which also contains some 'ancient woodland'. Key views will be from the A9, particularly when travelling north. The boundary with the A9 will require landscape mitigation, including tree planting and acoustic fencing, to minimise visual impacts.
- 54 Community Greenspace have provided comments relating primarily to the design and layout of open spaces, play area, SUDs, and expansion of the adjacent Fonab Cemetery. The latter a site-specific requirement of the allocation in LDP2, such an extension being required to facilitate requirements over the next 20+ years. Details on what area of land is required has yet to be clarified and agreed. However, as a PPP application Condition 22 is recommended to ensure the required area is agreed between the Council and applicant, before a detailed application is submitted.
- 55 Matters related to the detailed design/layout and resultant visual impact will be fully addressed as part of subsequent detailed applications. Overall, in principle the proposal is considered to comply with LDP2 Policy 39. Conditions 15-19 will address the site-specific requirements for landscape framework provision, enhancement of biodiversity and compensatory planting for any felled trees.

### **Residential Amenity**

56 There are a limited number of residential properties to the north, close to the proposed access road and a caravan and camping site immediately to the east. An Air Quality Assessment (AQA) and Noise Impact Assessment (NIA) support the application and have been examined by PKC Environmental Health, in relation to amenity considerations. Each issue is considered below:

### Air Quality

57 The AQA was undertaken to determine if emissions associated with road traffic generated by the proposed development will have an adverse effect on air quality within the proposed site and on existing and future sensitive receptors. It has taken account of the Scottish Governments A9 dualling project and has assessed future air quality emissions at the site and the effect on local air quality.

### A9 Dualling

58 The AQA concluded that if dualling proceeds the impact from the development traffic is predicted to reduce for Nitrous Dioxide (NO<sub>2</sub>). The predicted impacts are of negligible significance and potential exposure is very low. Environmental Health confirms that the AQA indicates that air quality will be acceptable at the proposed development site.

#### **Development Traffic**

59 In addition to the AQA, the Transport Statement (TS) states that the proposed residential development will generate between 240 and 360 vehicle movements per day. These proposed levels are considered low volume and that air quality is unlikely to be affected by the proposal. Environmental Health agree with the predicted impact on air quality. The proposal complies with LDP2 Policy 57.

#### <u>Noise</u>

- 60 The NIA has assessed the impact of road traffic noise from the A9 on the proposed development site. The NIA states that the level of traffic noise will be slight/moderate at night-time and moderate/large during daytime. Mitigation measures are therefore required to reduce levels of noise impact to moderate/slight.
- 61 The NIA recommends that a 3.4 metre high and 25mm thick acoustic fence is constructed along the northern part of the south-western boundary to ensure noise levels for daytime and night-time can be achieved for both internal noise and in garden areas. Environmental Health agree with the NIA and recommend Condition 13 is applied to any permission to ensure the residential amenity of future residents are protected from road traffic noise. Subject to this mitigation, the proposal complies with LDP2 Policy 56.

### **Roads and Access**

- 62 A Transport Statement (TS) also supports the application and has been examined by both Transport Scotland and PKC Transport Planning. Neither have raised objection based on predicted traffic volumes, impact, road capacity or safety.
- 63 One of the site-specific requirements in LDP2 is for access from the local road network with pedestrian and cycle connections onto Logierait Road and enhanced walking and cycling opportunities to Pitlochry town centre. Early discussions with the applicant centred on the assumption that the connection to Logierait Road would be from the easternmost part of the site. However, an active travel route is now proposed through Fonab cemetery down to Logierait Road further to the north. This is due constraints along the eastern part of the site, in particular a significant change in levels and the obstruction by a small watercourse which means an access there is not feasible. Transport Planning are content with this arrangement and there are benefits to the northerly access route in allowing more direct connections to public transport services and the town centre.
- 64 The TS and other supporting information refer to active travel infrastructure improvements to achieve and maximise access by non-motorised means, via Logiegait Road and the existing access to the adjacent Fonab Cemetery. Transport Planning advise that accessibility by non-motorised means is particularly important and should form a significant part of the detailed plans. Linkages and connections with the nearby Core Paths, including part of the Rob Roy Way, Rights of Way, Signposted Paths, bus stops, and Pitlochry town centre will be required to be delivered as site-specific requirements of LDP2. All providing for green infrastructure on the site to link to the wider network. Based on the indicative plans, it is noted that access is to be provided to the existing path network including the Rob Roy Way.
- 65 Whilst there is considerable detailed information required to be submitted and assessed at subsequent planning stages, both Transport Scotland and PKC Transport Planning do not raise any objection to the principle of the proposal. Subject to several transport related conditions (5 to 12) the proposal is considered to comply with LDP2 Policy 60.

# A9 Dualling Project

- 66 Transport Scotland (TS) have confirmed they are now progressing the dualling project, which includes the following:
  - Grade separated junctions at Pitlochry North and South: Consisting predominantly of northbound widening of the single carriageway and improvements to existing dual carriageway over a length of some 700m.
  - A combined use underpass for the Rob Roy Way (immediately west of the application site)
  - Carriageway flooding mitigation, including SUDs, scour protection and management of flood flows.

- Compensatory planting, habitat creation, fencing and crossing structures.
- 67 The implication for the proposals is that development of housing will not be allowed to take place until the adjacent dualling works are completed, as the full impact of the dualling on the application site and extent and design of the future development is currently unknown. As a result, it is considered reasonable in these circumstances to defer development and provide a longer period to implement any planning permission, extending the standard 3 years to a period of 7 years in the proposed Direction. In addition, Transport Scotland propose a number of conditions related to the delivery of the A9 dualling.

### Flood Risk and Drainage

68 As specified by the site-specific requirements, a Flood Risk Assessment, and Drainage Strategy has been submitted and assessed by SEPA, Scottish Water, and PKC Structures and Flooding. SEPA confirmed they were content with PKC Structures & Flooding to provide feedback on flood risk and drainage.

#### Flood Risk

- 69 PKC Structures and Flooding confirm that the Pitlochry Flood Study does not identify the proposed site at being at risk from the nearby River Tummel.
- 70 The Flood Risk Assessment (FRA) confirms that, due to the topography of the site, the flood risk is minimal and two small nearby watercourses pose little also pose little flood risk. The FRA recommends that a further detailed assessment at the detailed drainage design stage will be required, in relation to the watercourse along the eastern boundary (Condition 29). The proposal is therefore considered to comply with the principles of LDP2 Policy 52.

#### Drainage

71 PKC Structures and Flooding and Scottish Water are satisfied with the proposed drainage strategy, advising it will be required to be refined at the detailed design stage and take account of greenfield run-off and attenuation volume calculations. The proposal at this stage of the process accords with LDP2 Policy 53 subject to Conditions 26, 27, 28 and 30.

#### **Cultural Heritage**

- 72 A Heritage Impact Assessment (HIA) supports the application and has been reviewed by Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). The development site is considered to be archaeologically sensitive, as there is potential for unknown buried archaeology, particularly accounting for neighbouring historic sites such as Dunfallandy Bell Cairn Scheduled Monument (SM2259).
- 73 HES and PKHT are broadly in agreement with the HIA report. It confirms PKHTs pre-application comments on the likely requirement for a programme of archaeological works. It is recommended that an archaeological contractor

undertake some further desk-based work. PKHT also recommend a 10% archaeological evaluation, prior to any development work. Both matters can be agreed in a Working Scheme of Investigation (WSI) prior to works commencing. (Condition 14).

- 74 Regarding the setting of the Dunfallandy Bell Cairn Scheduled Monument PKHT welcome the proposed tree screening has been included, particularly as development would sit at a higher level.
- 75 PKHT encourages further consultation, to ensure detailed planning proposals adequately protect recorded heritage assets. PKHT recommend condition 14, for a programme of archaeological works. This will ensure compliance with LDP2 Policy 26 at this stage of the planning process.

#### **Natural Heritage and Biodiversity**

- 76 An Ecological Survey, Habitats Regulation Appraisal and a Landscape and Ecological Management Principles document support the application. These have been examined by PKC's Biodiversity/Tree Officer.
- 77 There has been some concern expressed by PKC's Biodiversity Officer in relation to the level of ecology work undertaken to date. It is important to note, however, that this approach should be considered in the context of the related work undertaken by the Scottish Government in relation to the proposed A9 dualling project - a section of which is immediately adjacent to the application site. Transport Scotland require this road project to be completed prior to any development proposed in this application. Ecological surveys also require to be undertaken by Transport Scotland in advance of these road works and at this stage it is unclear as to the exact impact the dualling will have, both on local ecology and the application site itself. It is therefore accepted that an appropriate level of habitat and species surveys has been undertaken to date and, further, it is considered reasonable to delay the undertaking of further, more detailed ecological work until these road works are completed. Importantly, there is a strong potential that further surveys at this time will be abortive, as they will be 'out of date' in 18 months' time and required to be repeated at a point closer to the point when subsequent detailed applications are likely – in circa 3 years' time.
- 78 A Landscape and Ecology Management Plan, detailing: the quantity, locations, techniques, timescales, and monitoring arrangements of biodiversity enhancement measures is recommended to be prepared and submitted with detailed applications. Enhancement measures should also be incorporated into design schemes (Condition 23).
- 79 Overall, at this stage of the planning process, the application is considered to accord with LDP2 Policy 41 Biodiversity, with further surveys required at the detailed stage and demonstrate biodiversity gains. (Conditions 24 and 25)

### Trees/Woodland

- 80 Both Scottish Forestry and the Council apply the principles of the Scottish Government Policy on Control of Woodland Removal, and there is a presumption in favour of protecting woodland resources. However, where loss of woodland is unavoidable, mitigation measures in the form of compensatory planting is required.
- 81 It is noted from the Planning Statement that, whilst the majority of existing woodland within and around the site will be retained and incorporated into the development, an area of commercial woodland will be felled to create the new access road and to accommodate two houses. PKCs Biodiversity/Tree Officer advises that retention of as much existing woodland, hedgerows, and individual trees is encouraged. This is especially applicable to the area where the vehicular access is proposed, as it is close to some ancient woodland. Although not legally protected, Ancient Woodland sites are an important and irreplaceable habitat. The Tayside Local Biodiversity Action Plan (LBAP) seeks to enhance, restore, and extend coverage of ancient woodland. Any tree loss will require compensatory planting as it is a site-specific requirement of its allocation in LDP2. Consideration of opportunities to enhance, restore and extend coverage of woodland and ancient woodland will be required at the detailed application stage, with focus on connectivity of habitats - which is key for biodiversity, particularly in a changing climate. Condition 16 will address this requirement.
- 82 Overall, the proposals do not raise any issues at this stage in terms of woodland loss. The proposal therefore complies with LDP2 Policy 40 Forestry, Woodland and Trees (Condition 16).

# **Gas Pipeline**

83 A gas pipeline operated by Scottish Gas Networks (SGN) runs close to the eastern site boundary and provides gas to nearby residential properties and the employment area to the north. As required an online assessment on the potential impact of the proposed development has been carried out and the advice generated from SGN is that the applicant is made aware of the infrastructure in the area. (Informative 11)

# **Developer Contributions**

84 Following consultation with PKCs Developer Obligations Officer, Developer obligations are indicated to be required in relation to: affordable housing provision (25% of overall dwellings); primary education (provision of a new primary school); open space provision, play area provision; and maintenance of core path connections. A Section 75 legal agreement will be required at the detailed stage of the planning process, to secure required developer obligations and infrastructure delivery. At this stage of the planning process conditions are recommended to ensure the proposal and any future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance (Conditions 3 and 4).

### Waste Collection

85 No concerns have been expressed by PKC Waste Services in terms of the required waste provision, including recycling requirements. However, details will require to be fully considered and assessed at the detailed application stage of each submitted phase (Condition 31).

#### **Economic Impact**

86 The development of dwellinghouses at this location will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on goods and services in the local economy in particular and further afield. Both will have a positive economic impact.

# PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

87 None required, as conditions will defer this issue to the Matters Specified in Conditions or detailed application stage(s) (Conditions 3 and 4).

### **DIRECTION BY SCOTTISH MINISTERS**

88 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

- 89 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and LDP2.
- 90 Based on the submitted Masterplan and supporting information, the principle of the proposed development is considered acceptable in planning terms. The proposal will create new housing, where there is limited availability of sites in Pitlochry and Highland Perthshire in general, to meet predicted population growth and provide a socio-economic benefit to the local economy.
- 91 Because of the ongoing A9 Dualling project immediately adjacent preventing construction taking place until the relevant road works are completed, it is considered reasonable that a longer permission of 7 years rather than the standard 3 years is applied, to allow detailed application(s) to be submitted. Further ecological surveys will be required in advance of any detailed submission.
- 92 Accordingly, the proposal is recommended for approval subject to the following direction and planning conditions.

# RECOMMENDATION

### Approve

# Direction, Conditions and Reasons for Recommendation

### DIRECTION

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (20/00510/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 7 years.

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

### CONDITIONS

#### **General AMSC**

- 1. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:
  - (i) a detailed masterplan including phasing and delivery plan;
  - a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings, relative to existing ground levels and a fixed datum point;
  - (iii) the siting, design, height, and external materials of all buildings or structures;
  - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;
  - (v) details of any screen walls/fencing including any retaining walls and acoustic fencing to be provided.
  - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance all to meet LDP2 Policy 32 requirements;
  - (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;

- (viii) details of open space, locally equipped area of play (LEAP), SUDs and path connections;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) updated noise impact assessment
- (xi) lighting details;
- (xii) bin storage, collection location, recycling facilities provision and access;
- (xiii) Landscape and Ecology Management Plan (LEMP)
- (xiv) a green travel plan including provision of electric vehicle (EV) charging points;
- (xv) archaeological working scheme of investigation;
- (xvi) updated Transport Statement;
- (xvii) updated Flood Risk Assessment;
- (xviii) updated Drainage Impact Assessment including SUDs Design;
- (xix) agreed area of expansion of Fonab Cemetery.

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

2. The submitted Masterplan (Ref: 21/00510/04) is purely indicative only and is not approved.

Reason: The permission is for planning permission in principle only.

#### **Developer Contributions**

 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

# <u>Transport</u>

5. Prior to the commencement of any works on site, the A9(T) Dualling upgrades at Pitlochry must be completed.

Reason: To ensure that the proposed access road is available; to ensure the safety of pedestrians and cyclists using the adjacent facilities; to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.

6. Prior to the occupation of any part of the development, a Residential Travel Pack that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

7. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

8. Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

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.

9. Prior to the commencement of any works on site, fencing shall be erected in a manner and position to be agreed with the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The fencing shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

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

10. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority in consultation with the Trunk Road Authority, Transport Scotland, before any works commence on site.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

- 11. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (CTMS) which shall include the following:
  - a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - h) details of information signs to inform other road users of construction traffic;
  - i) arrangements to ensure that access for emergency service vehicles are not impeded;
  - j) vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority, after consultation with Transport Scotland as the Trunk Road Authority.
  - k) All vehicles transporting construction material to and from the proposed development shall be sheeted.
  - I) monitoring, reporting and implementation arrangements; and
  - m) arrangements for dealing with non-compliance.

The CTMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality; To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

12. Prior to the occupation and use of the approved development all matters 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) and to the satisfaction of the Planning Authority. Technical Approval will be required for any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

Reason: In the interests of pedestrian and traffic safety

### **Residential Amenity**

13. An acoustic barrier shall be constructed in line with the recommendations of Section 5.4 and Figure 4 of the approved Noise Impact Assessment (Ref: 21/00610/15) dated 24 March 2021. Prior to the commencement of the development a detailed plan for the acoustic barrier shall be submitted for approval of the Council as Planning Authority and shall be implemented in full in accordance to approved plan. The plan shall include details such as materials, height, thickness, length of barrier and sound reduction calculations.

Reason: In the interest of residential amenity.

# **Cultural Heritage**

14. No development shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard archaeology in the area.

# Landscape

15. As part of the first Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme including compensatory planting shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

16. Prior to the commencement of development, a detailed scheme for compensatory woodland planting scheme either on or off site shall be

submitted to and approved in writing by the Council as Planning Authority. The scheme as approved shall include a woodland and landscape management plan and the entire scheme shall be implemented in accordance with the approved details and in full prior to the completion of the development approved.

Reason: In the interest of forestry planting and biodiversity.

17. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including any compensatory woodland planting (but not small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

18. As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

19. As part of the first Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

20. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

21. The asserted right of way/core paths/signposted paths PLRY/6; PLRY/30; PLRY 127 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Should any temporary diversions and signage be required to facilitate the development and/or any works proposed to the right of way/core path/signposted path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

22. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, details of an area of land not less than 0.5 acres, for the expansion of the existing Fonab Cemetery, shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with PKC Bereavement Services and Community Greenspace, unless an appropriate alternative site in Pitlochry is identified and agreed upon by the Council as Planning Authority.

Reason: In order to comply with the site-specific requirements, set out in the Perth & Kinross Local Development Plan and to allow for Perth & Kinross Council to further investigate possible sites for a new cemetery within Pitlochry or to establish the exact dimensions and access to an extension within the development redline area

#### **Biodiversity**

23. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Management Plan shall be implemented in accordance with the approved plan.

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

24. Prior to the submission of the first Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, and protected species shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

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

25. Where 18 months or more has elapsed between the timing of the ecological surveys, further updated survey(s) shall be undertaken (during the appropriate survey season) to determine the presence of any statutorily protected species. The survey(s) shall thereafter be submitted to the Planning Authority prior to the submission of any Approval of Matters Specified by Condition (AMSC). Should species be identified, any mitigation measures for their protection or relocation shall be submitted to and approved in writing by Perth & Kinross Council and thereafter implemented in accordance with a timetable agreed in writing with the Planning Authority before works commence on the site

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

26. As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of protecting environmental quality and of biodiversity.

#### Flood Risk and Drainage

27. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage, and waste management provision.

Reason: To ensure a satisfactory standard of development quality and to ensure the provision of effective drainage for the site.

28. Further to Condition 1 above and as part of the first Approval of Matters Specified by Condition (AMSC) application a Drainage Impact Assessment (DIA) including detailed sustainable urban drainage system (SUDS) shall be submitted for the approval of the Council as Planning Authority. The DIA shall be developed in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance.

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

29. Further to Condition 1 and as part of the first Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

30. 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 approved development 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 Council as Planning Authority.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

### Waste

31. As part of the first Approval of Matters Specified by Condition (AMSC) application, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units shall be occupied until the agreed scheme has been provided in full.

Reason: In order to ensure adequate servicing facilities are provided.

# **B** JUSTIFICATION

The proposal is considered to in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

# C PROCEDURAL NOTES

None.

# D INFORMATIVES

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at <u>developmentmanagement@pkc.gov.uk</u>. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

- 2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 3. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6. The applicant is advised to refer to Perth & Kinross Council's <u>Supplementary</u> <u>guidance on Flood Risk and Flood Risk Assessments 2014</u> as it contains advice relevant to your development.
- 7. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
- 8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10. The granting of planning permission does not stop the continued right of public access along the existing core and signposted paths PLRY/6; PLRY/30 and PLRY/127. An order under the Town and Country Planning (Scotland) Act 1997, Section 208, or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

11. The developer is advised to contact Scottish Gas Networks, to discuss the work required in the vicinity of their infrastructure.

Background Papers: No Contact Officer: Ste Date: 6

None Steve Callan 6 January 2022

#### DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

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

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