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Council Building  
2 High Street  
Perth  
PH1 5PH

26/04/2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 05 May 2021 at 10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BARBARA RENTON**  
Interim Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Michael Barnacle  
Councillor Rhona Brock  
Councillor Tom Gray  
Councillor David Illingworth  
Councillor Ian James  
Councillor Tom McEwan  
Councillor Crawford Reid  
Councillor Lewis Simpson  
Councillor Richard Watters  
Councillor Mike Williamson  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Wednesday, 05 May 2021**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 7 APRIL 2021 FOR APPROVAL (copy herewith) 5 - 18**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
  - 5(1) MAJOR APPLICATIONS**
    - 5(1) 20/01770/FLM - ABERNETHY - EXTENSION TO SUBSTATION 19 - 40**
      - (i) COMPRISING INSTALLATION OF 2 REPLACEMENT TRANSFORMERS, PLANT AND INFRASTRUCTURE, FORMATION OF ACCESS TRACK, HARDSTANDING, LAYDOWN AREAS, SUDS AND ASSOCIATED WORKS, LAND 100 METRES SOUTH OF JAMESFIELD GARDEN CENTRE, ABERNETHY**

Report of Handling by Head of Planning and Development (Recommendation - Approve) (copy herewith 21/57)
    - 5(1) 21/00096/FLM - PERTH - ERECTION OF A REPLACEMENT PRIMARY SCHOOL INCLUDING NURSERY, FORMATION OF PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS, NORTH MUIRTON PRIMARY SCHOOL, UIST PLACE, PERTH 41 - 66**
      - (ii)**

Report of Handling by Head of Planning and Development (Recommendation - Approve) (copy herewith 21/58)

**5(2) PROPOSAL OF APPLICATION NOTICE (PAN)**

**5(2) 21/00002/PAN - ESSENDY - EXTENSION TO QUARRY, MARLEE 67 - 76**  
**(i) QUARRY, ESSENDY**

Pre-Application Report by Head of Planning and Development  
(copy herewith 21/59)

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<p>You can also send us a text message on 07824 498145.</p>
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<p>All Council Services can offer a telephone translation facility.</p>
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## PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Tuesday 7 April 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern (substituting for C Reid), M Barnacle, T Gray, D Illingworth, I James, T McEwan, C Purves, L Simpson, R Watters and W Wilson.

In Attendance: D Littlejohn, K Smith, A Condliffe, B Cargill, H Donaldson, H Hope (for Item 5(2)(ii) only), L MacLean, F McGowan (for Item 5(2)(ii) only), L Reid and R Stewart (all Communities Service); G Fogg, D Williams, A Brown, K Molley, B Parker and C Wright (all Corporate and Democratic Services).

Apologies: Councillors C Reid.

Councillor R McCall, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and noted apologies as above.

### 2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

### 3. MINUTES

The minute of meeting of the Planning and Development Management Committee 9 March 2021 was submitted and approved as a correct record.

### 4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning application:

<b>Planning Application No.</b>	<b>Art. No.</b>
20/01967/FLL	5(2)(ii)

### 5. APPLICATIONS FOR DETERMINATION

#### (1) Major Application

- (i) **20/00511/AMM - ALYTH - Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping, and associated works (Phase 2 and 3) (Approval of Matters Specified in Conditions of 16/01595/IPM), land 200**

**metres north of Pitcrocknie Farmhouse, Alyth – Report 21/43 –  
Glenisla Developments Ltd**

Prior to consideration of the application, K Smith provided the following update:

Page 39 – Para 82, where the contribution figure is quoted as £206,250, this should read £158,125.

**Resolved:**

**Grant**, subject to the following conditions and informatives:

**Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure that the development is carried out in accordance with the plans approved.
2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, 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.  
Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2 2019.
3. Prior to the commencement of development for either Phase 2 or 3 hereby approved an updated Air Quality Assessment shall be submitted to, and approved in writing by, the Planning Authority. The assessment shall include the cumulative effects of any prior phase emissions and the approved energy centre.  
Reason: In the interests of residential amenity
4. All plant and equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason: In the interests of residential amenity.
5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.  
Reason: In the interests of residential amenity.
6. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted, 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 ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

7. Prior to the commencement of the development hereby approved, protective fencing shall continue to be erected around SM1575 Pitcrocknie Stone as agreed with the Council as Planning Authority and Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority.

Reason: To ensure the preservation of the historic environment.

8. Any trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

9. Prior to the commencement of development, a detailed planting scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full.

Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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 approved/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. All road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.  
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
12. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Council as Planning Authority, in advance of works during the restricted period.  
Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).
13. All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA, prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.  
Reason: In order to take account of the flood risk from the adjacent watercourse.
14. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used in Phase 2 and 3 shall be submitted to, and agreed in writing by, the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.  
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
15. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written



agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures and Flooding), an updated Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) details of any new construction compound;
- (b) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (c) 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;
- (d) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (e) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (f) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (g) 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;
- (h) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (i) 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;
- (j) details of information signs to inform other road users of construction traffic;
- (k) arrangements to ensure that access for emergency service vehicles are not impeded;
- (l) co-ordination with other significant developments known to use roads affected by construction traffic;
- (m) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (n) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (o) monitoring, reporting and implementation arrangements;
- (p) arrangements for dealing with non-compliance; and
- (q) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

16. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted

to the Council as Planning Authority and agreed in writing, in consultation with NatureScot. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter, and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds;
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods;
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals, and materials compound;
- (d) timing, duration, and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

#### **Justification**

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

#### **Procedural Notes**

A Section 75 Agreement is required to deal with a financial contribution towards affordable housing. Consent shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

#### **Informatives**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this

statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
5. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
6. 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 Scottish Water and the Scottish Environment Protection Agency.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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 (SEPA).
8. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
10. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and

- access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
11. For future development phases of the masterplan and In Principle approval, there will be no structures within 72 metres of the stone to the south (Phase 4).
  12. For future development phases of the masterplan and In Principle approval, no structures within Phase 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
  13. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
  14. There is a Section 75 legal obligation associated with planning permission for Phase 1 (18/01214/AMM), which relates to affordable housing, bus provision and core path upgrade. A copy is available to view on the Council's [Public Access portal](#). Written agreement on bus provision measures are required prior to commencement of development of Phase 2 and 3.

## **(2) Local Applications**

- (i) 20/01830/FLL - KINNAIRD - Erection of a dwellinghouse, land east of Robinhill, Kinnaird, Inchtute – Report 21/44 – Mr E Findlay**

### **Resolved:**

**Grant**, subject to the following conditions and informatives:

### **Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
3. Prior to the commencement of development, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning

Authority. The plan shall include details of proposed hard and soft landscaping. The approved details shall be implemented in full 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.

4. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

5. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason: To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

6. Prior to commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building: a)

the technology types; b) illustrate, through technical calculations, that these will meet at least the 10% reduction; c) their siting and location; and d) ongoing operation and maintenance. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

7. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to safeguard the neighbouring residential amenity in the area.

8. Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.

Reason: In the interests of pedestrian and traffic safety.

9. Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces shall be provided within the site.

Reason: In the interests of pedestrian and traffic safety.

10. Prior to the commencement of development, a plan showing details of the upgrading of the access track shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full 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.

### **Justification**

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

### **Procedural Notes**

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for

the contributions the application may be refused under delegated powers without any further discussion with the applicant.

### **Informatives**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. 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.

9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
10. There is a Section 75 legal obligation associated with this site, which relates to developer contributions for primary education provision. The applicant should seek clarification as to whether this agreement is applicable to this application or will require to be modified or re-written.

*COUNCILLOR M WILLIAMSON LOST INTERNET CONNECTION DURING CONSIDERATION OF THE FOLLOWING ITEM AND LEFT THE MEETING.*

- (ii) **20/01967/FLL - PITLOCHRY - Change of use and alterations to carpark to site 2 railway carriages to form restaurant/takeaway (class 3), formation of raised decking area and associated works, land south of Walker Court, Rei-Achan Road, Pitlochry – Report 21/45 – Mr, Mrs And Ms F, I And M McCallum**

Mrs I McCallum, applicant and Ms J Shepherd, agent, followed by Councillors J Duff and X McDade, addressed the Committee and answered members questions.

Motion (Councillors W Wilson and T Gray)

Refuse, in accordance with the reasons outlined in Report 21/45.

**Amendment (Councillors C Purves and M Barnacle)**

**Grant the application, subject to the applicant entering into a legal agreement to contribute to alternative parking elsewhere in the town and to compensate for the loss of parking bays as a consequence of the development.**

In accordance with Standing Order 58, a roll call vote was taken.



5 members voted for the Motion as follows:  
Councillors B Brawn, T Gray, R McCall, R Watters and W Wilson.

7 members voted for the Amendment as follows:  
Councillors C Ahern, M Barnacle, D Illingworth, I James,  
T McEwan, C Purves and L Simpson.

**Resolved:**

In accordance with the Amendment.

DRAFT



Perth and Kinross Council  
Planning & Development Management Committee – 5 May 2021

Report of Handling by Head of Planning & Development (Report No. 21/57)

<p><b>PROPOSAL:</b> Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works</p> <p><b>LOCATION:</b> Land 100 Metres South of Jamesfield Garden Centre Abernethy</p>
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Ref. No: [20/01770/FLM](#)

Ward No: P9 - Almond and Earn

### 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 outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed site lies immediately to the north of the existing Abernethy Substation, which comprises steel lattice towers, overhead lines and ancillary infrastructure, approximately 2 kilometres (km) north-east of the centre of Abernethy and is accessed off the A913. The topography is relatively flat and comprises arable land that slopes down by around 10 meters to the north.
- 2 To the east is the Jamesfield Garden Centre, Organic Farm Shop and Restaurant and the Silver Lining Hair Studio, with open arable fields to the north and west. Immediately south is the existing Abernethy Substation.
- 3 Supporting documentation advises that the existing Abernethy substation has insufficient capacity to enable the connection to the electricity grid of two consented wind farm projects which would provide 57 megawatts (MW) of renewable energy generation by October 2022. As such, detailed planning permission is sought for an extension to the existing substation comprising the following:
  - Installation of two new 120 Mega Volt Amp (MVA) transformers, both some 6m in height, both set on platforms/pads approximately 15m by 8m and rising around 1m above existing ground level
  - A 33 kilovolt (kV) and 132kV underground cable to connect the transformers to the existing substation;
  - Palisade security fencing, 2.4m in height, around the proposed infrastructure, with a post and wire fence surrounding the rest of the site;
  - CCTV;
  - Two flood lights to illuminate the substation;

- Formation of an access track; and
- SUDS and landscaping.

## **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 (20/00501/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. Notwithstanding, the applicant has submitted an Environmental Appraisal in support of the application, which has been welcomed.

## **Hierarchy of Development Regulations**

- 5 The applicant considers that the proposed development is identified within Annex A of National Planning Framework 3 (NPF3) as a National Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, Council officers consider that it is not a 'National', but rather an application for a 'Major' development, being an extension of an existing facility to meet the requirements of recently consented renewable energy developments and provide connection capacity to the electricity grid network.

## **Pre-Application Consultation**

- 6 As a Major development the applicant was required to undertake formal pre-application consultation (PAC) with the local community. Because of the COVID-19 pandemic the applicant was required to modify their public consultation process of their Proposal of Application Notice (PoAN) (Ref: 20/00005/PAN) to ensure they were in line with the latest Scottish Government guidance on holding public consultations associated with major planning applications. This saw an online/virtual consultation presentation followed by a live 'Question and Answer' session held on 7 July 2020. Pete Wishart MP; Roseanna Cunningham MSP; PKC Ward 9 Councillors; as well as Abernethy and District Community Council were all notified. The results of the community consultation have been submitted with the planning application as part of the required PAC Report.

## **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 (Revised December 2020)**

- 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: 24 – 35
  - Placemaking: 36 – 57
  - Supporting Business and Employment: 92-108
  - Valuing the Historic Environment; 135-151
  - Delivering Heat and Electricity: 152-174
  - Valuing the Natural Environment: 193-218
  - Maximising the Benefits of Green Infrastructure.

### **Planning Advice Notes**

- 11 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
  - 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

### **Development Plan**

- 12 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**

- 13 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.”*

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

- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

## **Perth and Kinross Local Development Plan 2**

- 15 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 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 28: Conservation Areas
- Policy 33: Renewable and Low Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution

- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

### **Other Policies**

- 16 Developer Contributions and Affordable Housing Supplementary Guidance July 2020

### **Relevant Site History**

- 17 20/00501/SCRN EIA Screening request submitted April 2020 for Installation of a 132kv extension, replacement of 60 MVA transformers and erection of a control building. PKC EIA Screening opinion issued in May 2020 advising that no EIA Report was required.
- 18 [20/00005/PAN](#) Proposal of Application Notice (PoAN) submitted June 2020 for extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works. PoAN approach to consultation approved by PKC in July 2020.

### **CONSULTATIONS**

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

#### **External**

- 20 **Scottish Environment Protection Agency (SEPA):** No formal response received due to operational issues
- 21 **Historic Environment Scotland (HES):** No objection. No issues noted in relation to impact on nearby Carpow Roman Fortress Scheduled Monument (SM2275)
- 22 **Scottish Water:** No objection.
- 23 **Transport Scotland:** No objection. Recommended conditions related to abnormal load deliveries and the trunk road.
- 24 **Network Rail:** No objection, as no impact on railway infrastructure.
- 25 **Health and Safety Executive (HSE):** No objection. Advise of no HSE related infrastructure in the area.
- 26 **Perth And Kinross Heritage Trust (PKHT):** No objection, as limited archaeology records in the area.
- 27 **Abernethy Community Council:** No response received.

## Internal

- 28 **Environmental Health (Noise Odour):** No objection, subject to a standard noise condition.
- 29 **Land Quality:** No objection, as no records of contamination in the area.
- 30 **Structures and Flooding:** No objection on flood risk or drainage grounds.
- 31 **Community Greenspace:** No objection.
- 32 **Conservation Team:** No objection, as no impact on Abernethy Conservation Area.
- 33 **Transport Planning:** No objection, subject to further details on a passing place and a Construction Traffic Management Plan (CTMP) being in place before development commences.
- 34 **Biodiversity/Tree Officer:** No objection. Express support for the proposed biodiversity mitigation and enhancement.
- 35 **Development Contributions Officer:** Advise no developer contributions required.

## Representations

- 36 None received.

## ADDITIONAL STATEMENTS

Screening Opinion	Yes – 20/00501/SCRN EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Environmental Appraisal, Planning Statement, Transport Statement Submitted

## APPRAISAL

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of



other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

- 38 With an existing substation adjacent to the site, the principle of energy related infrastructure at this location is established.
- 39 The proposed extension to the existing substation has been driven by the fact that this facility has insufficient capacity to enable the connection of around 57 MW of new renewable electricity programmed to be generated by October 2022. Therefore, it is necessary to install a 132 kV extension to the existing substation, through the replacement of the two existing 60 MVA transformers with two 120 MVA transformers. This would accommodate the anticipated renewable energy levels.
- 40 LDP2 Policy 33 - Renewable and Low Carbon Energy, provides support for proposals for the distribution of renewable energy. As already stated, the application seeks an extension to an existing substation required to support the distribution of new renewable energy generation. This will assist in providing the transmission capacity necessary to realise the potential of Scotland's renewable energy resources and in doing so helping to meet Scotland's climate change targets. The proposal is therefore considered to comply with LDP2 Policy 33.
- 41 LDP2 Policy 35 - Electricity Transmission Infrastructure is also relevant and supports the principle of the proposed substation extension and associated infrastructure. It is noted that in environmentally sensitive locations Policy 35 requires appropriate mitigation and that these are considered during the preparation of any proposal.
- 42 The applicants Environmental Appraisal sets out how the proposed site has been designed to minimise adverse impacts on the environment and avoid environmentally sensitive locations. On this basis it is considered that the proposal will not result in unacceptable effects to the environment, subject to the proposed mitigation measures being put in place. Therefore, the proposal is considered to comply with LDP2 Policy 35.

### **Design and Layout**

- 43 Given the nature of the proposed development, the design has been largely technically driven, although certain design principles were adopted to ensure it is as sensitively sited and well designed as possible.
- 44 The design process has specifically considered the potential impacts on sensitive receptors and features of the surrounding environment. The application seeks to minimise the potential permanent effects on landscape, visual, and noise receptors in particular.

- 45 The location of the existing substation assists in minimising the impact on the landscape, with that infrastructure already a feature. Detailed landscape mitigation proposals are proposed as follows.
- A linear mound, between the proposals and the existing hedge along the minor road to Jamesfield, planted with a native scrub woodland mix, to provide enhanced screening from the east. The existing hedge, which particularly in summer already provides local screening, would be retained;
  - Reinforcement by filling of gaps in the existing hedge to the north edge of the site;
  - A new hedge to provide screening along the western boundary;
  - Tree planting within these new and reinforced hedges where possible, without affecting electrical safety clearances;
  - Underplanting of the existing woodland to the south and east of the existing substation, to ensure long-term screening function and to enhance biodiversity;
  - Extension of the woodland planting;
  - Temporary seeding to the area set-aside for potential future expansion; and
  - Seeding of species-rich grassland to the remaining open space within the Site.

### **Landscape and Visual**

- 46 LDP2 Policies 1 – Placemaking; and 39 – Landscape require development to contribute positively to the quality of the surrounding built and natural environment and to not conflict with maintaining and enhancing the landscape qualities of Perth and Kinross.
- 47 A Landscape and Visual Appraisal (LVA) is contained within the Environmental Appraisal and has been examined by HES and the Council. The LVA identifies that the character of the study area is predominantly agricultural, with arable fields of irregular size and shape. To the south the hills are a mixture of rough grazing and scrub with substantial areas of commercial conifer plantation. It is noted there are existing electricity infrastructure features within the landscape, including the existing Abernethy Substation and overhead towers and lines. These form important part of the baseline in which the proposal is assessed.
- 48 There are no statutory nationally designated landscapes in the vicinity of the site, although the Ochil Hills Local Landscape Area (LLA) designated through the LDP2 lies immediately south. The applicants Environmental Appraisal concludes that the proposed development would form a small change, perceptible from a very small part of the Ochil Hills LLA, which would have a negligible effect on the landscape character. Officers agree with this position, particularly due to the presence of the existing Abernethy Substation which reduces sensitivity locally.
- 49 The LVA also concludes that no permanent long-term significant visual effects are anticipated, for any of the residential receptors in proximity of the proposal.

Neither are significant visual effects anticipated from surrounding transport receptors. Officers are again in agreement with the submitted LVA.

- 50 One significant visual effect is identified, on visitors to the nearby Jamesfield Garden Centre, Organic Farm Shop and Restaurant. To mitigate this significant planting has been incorporated in the overall design, to reduce this impact within 5 to 10 years and in the long term provide a beneficial visual effect.
- 51 Two core paths, ABNY/120 and ABNY/1, are close by, with visibility from sections of ABNY/120. The views would, however, be generally limited, due to topography and intervening vegetation. The proposals would also be visible from ABNY/1, although it would be seen in the foreground to the existing substation, which forms the dominant feature of that view. For both core paths, the proposal would result in minor adverse visual effects, which would be non-significant. Various landscape mitigation measures are proposed in the applicants Indicative Landscape and Environmental Mitigation Plan (LEMP) to reduce potential views of the Proposed Development.
- 52 Overall, one significant visual effect is identified; however, this would reduce as the proposed mitigation planting establishes and grows. No long-term adverse effects are predicted.
- 53 The proposed development and associated mitigation has been designed to minimise landscape and visual impacts. Whilst some visual impacts are inevitable due to the nature and type of infrastructure proposed, it is considered that the impacts have been designed to help offset significant long-term visual effects and in turn ensure compliance with the aims of LDP2 Policy 39.

### **Residential Amenity**

- 54 The applicant has submitted a Noise and Vibration Assessment (NVA) as part of their Environmental Appraisal and this has been examined by PKC Environmental Health.

#### Noise and Vibration

- 55 The closest noise sensitive receptors (NSRs) are 2 Elmbank and Wester Greenside Farm. The NVA assessed the noise levels emitted from the existing substation and the proposed extension and the impact at NSRs.
- 56 The assessment for the operation of the existing and proposed extension with the new replacement transformers predicts a significant improvement to the existing noise levels within the closest NSR but there is still an adverse impact for the external amenity of the closest NSRs.
- 57 The indoor assessment predicts that the likelihood of disturbance from noise is low and the likelihood of disturbance from low frequency noise is also low.
- 58 The applicants NIA concluded that no mitigation measures are required to meet internal noise criteria for all receptors. However, to ensure adequate controls

Environmental Health recommend a condition is applied to protect the residential amenity of the closest noise sensitive receptors (Condition 8).

### **Roads and Access**

- 59 The site is located approximately 100 metres from the A913, with access taken from the public road network from the U75 Ferryfield Road. A Transport Statement supports the application and has been examined by both Transport Scotland and PKC Transport Planning.
- 60 Transport Scotland have not raised any issues with the proposal and have recommended standard conditions in relation to abnormal load delivery requirements and the trunk road network (Conditions 2 and 3).
- 61 PKC Transport Planning advise that although there is currently a vehicle access to the existing substation, to accommodate the delivery of the proposed transformers to site, an extension to the access linking it with the public road network will be created.
- 62 Transport Planning confirm that the applicant has discussed providing a passing place on the U75, but details have yet to be finalised. It is recommended that the passing place is capable of allowing two construction lorries to pass, in the interest of enabling free flow traffic conditions and allowing continued access to the businesses north of the site. Condition 4 seeks to control that the design is submitted, approved and implemented.
- 63 The applicants Transport Statement acknowledges that a Construction Traffic Management Plan (CTMP) is required and should include details for maintenance and sweeping of debris material from the U75. Condition 5 is therefore recommended to control delivery of the CTMP prior to commencement of works.
- 64 In terms of road and traffic considerations the proposal is considered to comply with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

### **Drainage and Flooding**

- 65 The applicant has submitted a Hydrology, Hydrogeology and Soils Assessment, as part of their Environmental Appraisal. This has been examined by PKC Structures and Flooding, in terms of flood risk and drainage.
- 66 The Surface Water Drainage Strategy proposes combining a series of SUDS features to control the flow rate and volume of runoff, while reducing the concentration of contamination being discharged into the receiving watercourse or groundwater. These include a filter blank, infiltration trenches and soakaways.
- 67 No issues or concerns have been raised in terms of flood risk or the drainage strategy and as a result the proposal is considered to comply with LDP2 Policies 52 – New Development and Flooding; and 53 – Water Environment and Drainage.

## **Contaminated Land**

- 68 A search of the historical mapping by the Council's Land Quality Officer has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination.
- 69 It will be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development. As a consequence, the proposed application is considered to comply with LDP Policy 58 – Contaminated and Unstable Land.

## **Conservation Considerations**

- 70 The applicant has submitted a Cultural Heritage Assessment and Landscape and Visual Impact Assessment (LVIA) as part of their Environmental Appraisal of the application and has been examined by Historic Environment Scotland (HES), Perth and Kinross Heritage Trust (PKHT) and PKC Conservation Planning.

### Scheduled Monument

- 71 Carpow, Roman Fortress Scheduled Monument (SM2275) is within 500 metres east of the proposed site, and no direct impacts on it are predicted. Potential indirect impacts are however predicted on the setting of the Scheduled Monument, from the visual effects of the proposals. HES have considered the information submitted and have not raised any issues with the regard the impact of the proposal on the Scheduled Monument. The proposal is considered to comply with LDP2 Policy 26 - Scheduled Monuments and Archaeology.

### Archaeology

- 72 With respect to archaeology, PKHT have confirmed that the proposed development does not raise any significant issues and no further archaeological mitigation is required in this instance.

### Listed Buildings and Conservation Area

- 73 There are two C-listed buildings within the 1km study area, and the impact was assessed as neutral, and therefore non-significant, with no change in the magnitude of impact. Conservation Planning officers consider there is no impact the setting of the listed buildings within the study area and that the proposal complies with LDP2 Policy 27 – Listed Buildings.
- 74 A significant proportion of the Abernethy Conservation Area is within the 1km study area, but there will be very limited intervisibility with the proposal. This is due to current screening from existing topography, structures and infrastructure. The magnitude of impact is therefore predicted to be negligible, with the significance of impact assessed as 'slight adverse'. As the majority of the

Conservation Area will not have sight of the proposal, the Council's Conservation Planners are in agreement with the applicant's assessment, in that it is considered that the development will not impact upon its special qualities and the proposals are therefore considered to be in accordance with LDP 2 Policy 28 – Conservation Areas.

### **Natural Heritage and Biodiversity**

- 75 The applicant has submitted a Biodiversity Assessment as part of their Environmental Appraisal of the application and has been examined by the Council's Biodiversity/Tree Officer.

#### Trees

- 76 The Council applies the principles of the Scottish Government Policy on Control of Woodland Removal, where there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 77 The applicant has confirmed that 3 trees are proposed to be felled to allow the development to proceed. The Council's Biodiversity/Tree Officer has confirmed that proposed woodland planting, understory scrub planting and native species hedgerow creation are welcomed and will compensate for the loss of 3 mature trees. This will ensure compliance with LDP2 Policy 40 - Forestry, Woodland and Trees

#### Biodiversity

- 78 The Council also seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species, unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated or other material considerations indicate otherwise.
- 79 The Biodiversity Appraisal contains survey methods in accordance with best practice and the proposals contain a number of positive elements. This sees a Biodiversity Net Gain Assessment Report, which has been welcomed by the Council's Biodiversity/Tree Officer, as a proactive approach to ensuring biodiversity benefits are realised. The removal of invasive non-native rhododendron and the proposed provision of tree sparrow nest boxes are also welcomed. Tree sparrows being 'red listed' as birds of conservation concern and providing nesting habitat in primarily agricultural areas is a key action in the Tayside Local Biodiversity Action Plan 2016-2026.
- 80 Provided the recommendations and mitigation measures listed in section 6.7 of the Biodiversity Appraisal are adhered to the proposal complies with Policy 41 – Biodiversity (Condition 9).

## **Prime Agricultural Land**

- 81 The site comprises prime agricultural land and LDP2 Policy 50 – Prime Agricultural Land states that development on such land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal. Even then, only when there is no other suitable site available on non-prime land.
- 82 It is clear that the project is essential for the upgrade of the existing transmission network and overall, the loss of 2.3ha of prime agricultural land adjacent to an existing substation is considered acceptable when balanced against the wider benefits of the proposal. The Proposed Development is therefore considered to comply with LDP2 Policy 50 as it meets a specific established need as a major infrastructure project required to support renewable energy generation.
- 83 In offsetting the loss of prime agricultural land, LDP2 Policy 51 – Soils, requires development on good quality agricultural soils to implement appropriate soil management measures, adopt best practice when moving, storing and reinstating soils and consider the opportunity to re-use soils necessarily excavated from the site. These requirements are proposed to be secured via Condition 12.

## **Developer Contributions**

- 84 This proposal does not trigger any requirements for developer contributions and therefore complies with LDP Policy 5 – Infrastructure Contributions.

## **Economic Impact**

- 85 Limited economic impact during the construction process but more substantial impact once installed and operational as it will facilitate recent renewable energy permissions to connect with the grid network.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 86 None required

## **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, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account

has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

- 89 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve**

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

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure a satisfactory development as indicated on the submitted drawings

2. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening or traffic management, must similarly be approved.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

3. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

4. Prior to the commencement of development, a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the A913 Aberargie – Newburgh Road and U75 Ferryfield Road whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth and Kinross Council.

Reason: In the interests of road safety.

5. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;



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

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

Reason: In the interest of proper site management

6. Prior to commencement of any development on site, a detailed design for the passing place and vehicle access on the U75 shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing place and vehicle access, as approved in writing, shall be constructed prior to or during the second key task outlined in the *Transport Statement: PT379 Abernethy Substation (SSE, October 2020; Page 5)*, "Establishing a suitable laydown area for materials and build temporary access tracks", in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety and free flow traffic.

7. Prior to the commencement of works the requirement for, or extent of, any temporary removal or lowering of bridge parapets, boundary walls and structures adjacent to the public network and the temporary hardening of

verges to aid the passage of abnormal loads and construction vehicles shall require Technical approval from Perth & Kinross Council.

Reason: In the interests of road safety and the safe transportation of the abnormal load.

8. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of residential amenity.

9. The conclusions and recommended action points within the supporting Biodiversity Assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

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

Reason: To protect ecological interests.

11. Prior to commencement of development, a pre-works check must be undertaken by a suitably trained and experienced ecologist to ascertain the presence of protected species and submitted for the approval of the Planning Authority.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

12. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

## **B JUSTIFICATION**

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

## C PROCEDURAL NOTES

None.

## D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The development will require the 'Display of Notice while development is carried out' under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41, the notice must be
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material
4. The applicant is 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.
5. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
6. 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.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. A record of condition of the structures as well as roads should be prepared prior to the commencement of development and Perth & Kinross Council

Structures Inspector should be invited to attend the inspection to agree the baseline.

9. Final approval of any abnormal loads will be required formally from Perth & Kinross Council's Structures department. For the avoidance of doubt, it should be noted that the bridge carrying the A913 over the Edinburgh to Perth via Fife railway line, Greenside Railway Bridge, is a Network Rail asset and they may have their own approval processes for assessment under abnormal loads.
10. An application for Building Warrant may be required.

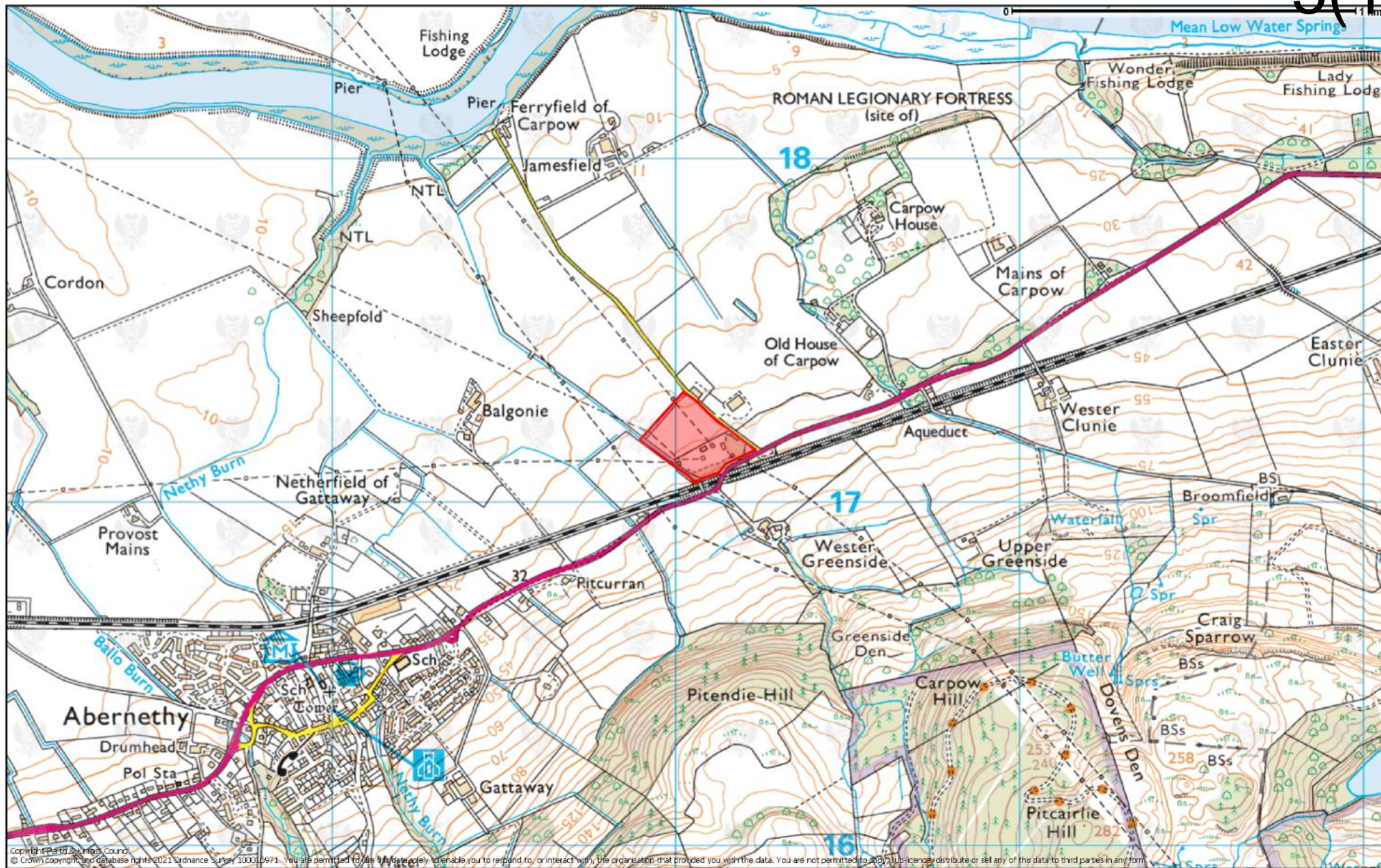
Background Papers: None  
Contact Officer: Steve Callan  
Date: 22 April 2021

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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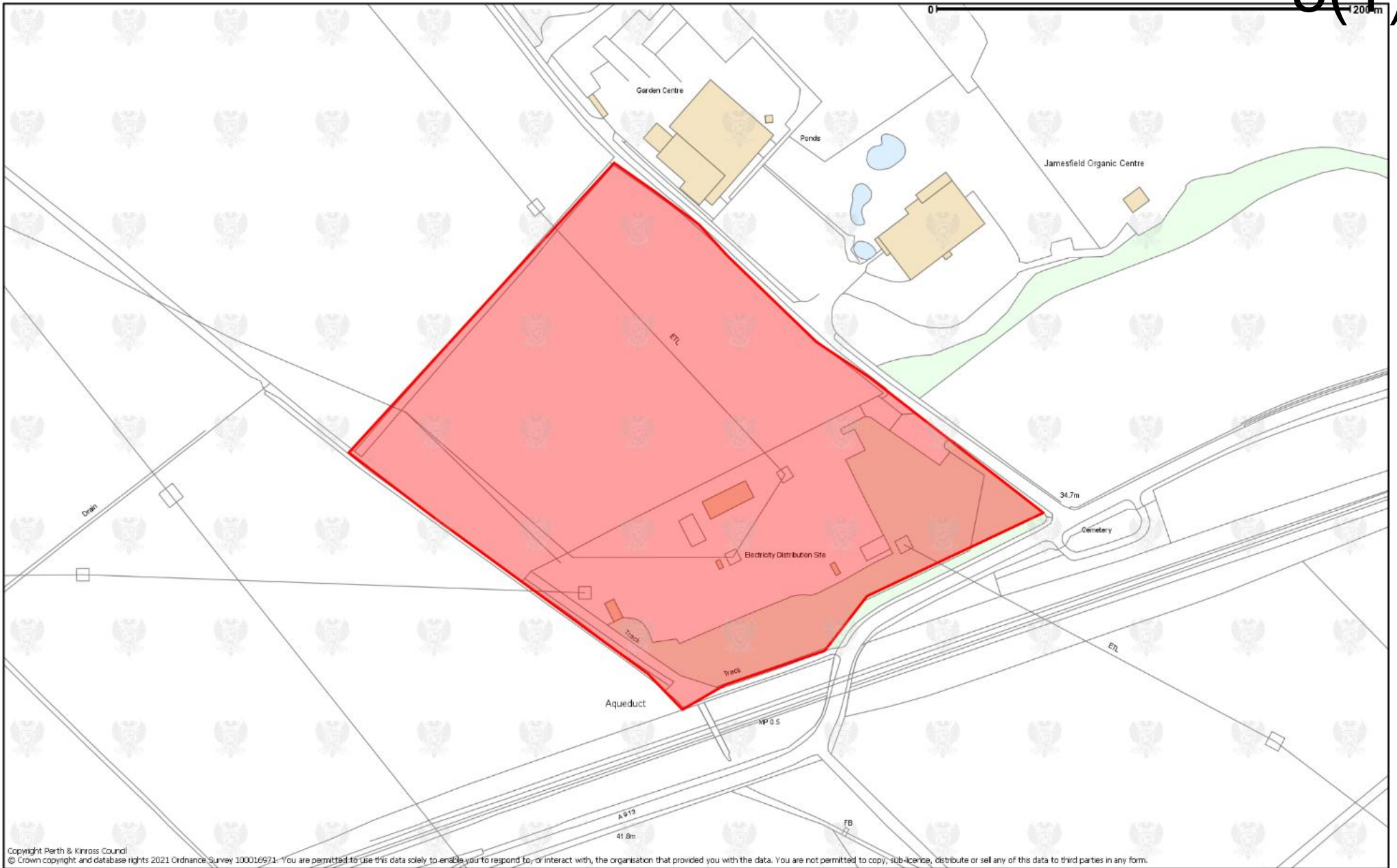
20/01770/FLM  
Scale 1:15000



Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works  
Land 100 Metres South of Jamesfield Garden Centre, Abernethy







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**20/01770/FLM**  
 Scale 1:2500



**Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works**  
**Land 100 Metres South of Jamesfield Garden Centre, Abernethy**







Perth and Kinross Council  
Planning & Development Management Committee – 5 May 2021

Report of Handling by Head of Planning & Development (Report No. 21/58)

**PROPOSAL:** Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works

**LOCATION:** North Muirton Primary School, Uist Place, Perth, PH1 3BY

Ref. No: [21/00096/FLM](#)  
 Ward No: P12 - Perth City Centre

**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 outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application is for the replacement of North Muirton Primary School to provide a larger primary school incorporating the Balhousie Primary School catchment. Balhousie PS and North Muirton PS will remain operational until early 2023. The build of the replacement North Muirton/Balhousie PS is due to commence this year with a completion of early 2023. At that point the two schools will move into the new build. This will then be followed by the demolition of the existing North Muirton PS and the pitch/greenspace element is then completed. To make space for the build North Muirton PS Nursery is being decanted over to Balhousie PS at the start of Summer Holidays so the stand-alone nursery building can be demolished over the Summer Break.
- 2 The existing school is a single storey flat roofed structure built in 1977 constructed from a steel frame with blockwork infill panels. The building is currently experiencing deterioration to the internal and external fabric and is now no longer fit for the modern educational needs and its condition is such that is beyond repair and a replacement school is considered necessary.
- 3 The demolition is to be carried out in two phases due to the placement of the new building and the new school will be built while the existing school remains operational during the construction process. The nursery will be demolished first to allow the construction of the new building to commence. The larger, new build primary school will incorporate all stages of early years and primary, nurture and Additional Support Needs provision.
- 4 The site has an existing vehicular access at Uist Place which will be used to access the staff carpark and a new vehicular access with parking and service

road will be formed at Argyll Road. Existing pedestrian links will be retained and improved.

### **Pre-Application Consultation**

- 5 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report on this supports the application. A PAC event was held at North Muirton PS on 9 March 2020 from 16:00 – 20:00. The event was repeated at Balhousie PS on 10 March from 16:00 – 20:00 with feedback from 17 people received.

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

- 6 An EIA screening exercise (20/00588/SCRN) was carried out in relation to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not prepared. An overview of the relevant matters is contained in the submitted planning statement.

### **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 (Revised December 2020)**

- 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.

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
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

10 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
- 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

### **Creating Places 2013**

11 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.

### **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.

### **National Roads Development Guide 2014**

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

### **Development Plan**

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

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

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

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

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 10: Connecting People, Places and Markets

## **Perth and Kinross Local Development Plan 2**

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

- Policy 1B: Placemaking
- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 56: Noise Pollution
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **Other Policies**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 19 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance March 2020**

- 20 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

### **Supplementary Guidance Flood Risk and Flood Risk Assessment**

- 21 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

### **Site History**

- 22 **20/00002/PAN** Erection of a primary school and associated works. Approved 16 March 2020.
- 23 **20/00588/SCRN** Demolition of existing school, erection of a primary school and associated works. Decision issued 1 May 2020 – EIA not required.

## **CONSULTATIONS**

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

### **External**

- 25 **Scottish Water:** No objection to the proposed development as there is currently sufficient capacity in both Perth Water Treatment Works and Perth City Waste Water Treatment Works to service the development.
- 26 **North Muirton Community Council:** No response received
- 27 **Scottish Environment Protection Agency:** No objection to proposed development, no conditions requested in addition to those recommended by the Flood Team.
- 28 **Sport Scotland:** No objection to proposal

## Internal

- 29 **Transport Planning:** No objection to the proposed development, subject to conditional control regarding provision of cycle, scooter parking, electric charge bays, road construction detail, submission of a Construction Traffic Management Scheme and School Travel Plan.
- 30 **Structures & Flooding:** No objection to the proposed development, subject to conditional control regarding drainage, finished floor levels, flood resilience measure and submission of a Flood Action Plan.
- 31 **Biodiversity/Tree Officer:** No objection to the proposed development, subject to conditional control regarding, protected species, tree protection and nesting birds.
- 32 **Environmental Health:** No objection to the proposed development, subject to conditional control regarding operational noise
- 33 **Planning Strategy:** No objection to the proposed development as it complies with relevant policies outlined in the Local Development Plan.
- 34 **Development Contributions:** No contributions required.

## Representations

- 35 No letters of representation have been received in respect of the current application.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA not required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment; Bat Survey; Ecological Assessment inc Tree Survey; Drainage Strategy; Transport Assessment; Noise Impact Assessment; Air Quality Assessment; Geo-Environmental & Geo-Technical Assessment Submitted

## **APPRAISAL**

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

### **Principle**

- 37 The existing school lies within a residential area zoned under Policy 17. The replacement of the school in principle complies with policy. Policy 17 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 38 Policy 1 Placemaking and the supplementary guidance are also applicable. These policies seek to ensure that the design and siting of new development respects the character and amenity of the place, amongst other criteria.
- 39 There are a number of other relevant policies relating to flooding, noise, surface water, biodiversity etcetera which are covered in more detailed in subsequent sections of the report.

### **Design and Layout**

- 40 The demolition of the existing school is to be carried out in two phases due to the placement of the new building. The nursery will be demolished first to allow the construction of the new building to commence but the main school will still be able to operate during the building of the new school.
- 41 The proposed building is primarily two-storey in design, with single storey elements and is located to the south of the site. The nursery and Assisted Support Needs section both with their own dedicated outdoor space, are located to the front of the school, extending from the south elevation.
- 42 The main school will extend north with the classrooms contained within a two-storey section; a hall is located to the rear (north). Externally there are classroom spill out areas, a large playground, outdoor classroom and performance space. There is also a playing field, hard surface pitch and activity trail.
- 43 As well as differences in height, the mass of the buildings will be broken up by the use of a varied palette of materials and window openings. The proposed finish materials are buff brickwork, standing seam metal roof and wall panels and aluminium windows/doors.

- 44 In terms of layout, the tandem build programme means that there is little room for manoeuvre in terms of where the building can be constructed but the general layout works well and provides the most optimum use of the existing school grounds. The proposal in terms of the design, finishes and siting complies with LDP2 Policy 1 – Placemaking.

### **Landscaping**

- 45 The proposal includes the retention/repair of the site boundary enclosures and landscaping. A detailed landscaping scheme has been submitted. The plan for the main school includes the retention of most of the existing mature trees and the existing grassed playing field with the formation of a hard surface pitch, hard standing playground, outdoor performance space, outdoor classroom and activity trail.
- 46 The nursery garden includes varied hard and soft landscaping proposals contained within fencing alongside a native species boundary hedge. The proposal also includes an enclosed garden for the ASN wing of the school.
- 47 The main school entrance, located to the south, will have an open landscaped area with pedestrian pathways linking to Argyll Road.
- 48 The landscape proposals for the site are considered to comply with Policy 1 Placemaking.

### **Residential Amenity**

- 49 The school will be repositioned from its current central location and north/south orientation to be located further south and orientated east/west. This will result in the building being closer to the east and west boundaries than it is currently. The agent has submitted a daylighting/overshadowing plan (Drawing ref 26) which shows a separating distance of 16.4m to the Colonsay Resource Centre which lies to the west and 18.5m separation distance to the nearest residential properties on Crammond Place, which lie to the east. The plan shows that the distances proposed are adequate to mitigate any impact in terms of overshadowing or loss of daylight. In terms of the distance to neighbouring residential to the east 18m has been maintained between the proposed building and existing windows to mitigate any overlooking. The design of the elevation which faces the existing residential has also been designed to further mitigate overlooking by limiting and offsetting any proposed upper floor windows.
- 50 The school is well established at this site therefore Environmental Health (EH) considers that the replacement of the school building will not adversely affect residential amenity in relation to noise from the daily operations of the school.
- 51 The new school building incorporates an air source heat pump (ASHP) which will be located in a timber enclosure as well as enclosures for the sprinkler system and sub-station. Whilst no details have been submitted for the ASHP, in general, there is the potential for noise from plant installation to adversely affect residential amenity. EH note however that given the distance between neighbouring properties and the proposed ASHP is approximately 60m, and the



distance between neighbouring properties and the sub-station is approximately 8m, levels in relation to noise should be acceptable but recommend that a condition, based on Noise Rating levels, be included on any given permission to protect residential amenity (Condition 2).

- 52 The proposal includes a lighting scheme to protect residential amenity from potential light spillage a condition is recommended (Condition 3)

#### Air Quality – Operational

- 53 An Air Quality (AQ) Screening has been submitted with the application in line with statutory Air Quality and Planning Supplementary Guidance 2020. The screening concluded that the proposal did not trigger the requirement for a detailed Air Quality Assessment.
- 54 Traffic data to inform the AQ screening assessment was obtained from the Transport Assessment (TA). The TA stated that the proportion of trips generated will already be on the network due to the existing school at North Muirton location and the level of additional traffic on the road network from the closure of Balhousie PS would be considered to have a minimal impact on air quality

#### Construction and Demolition

- 55 The AQ screening stated that a dust management plan will be incorporated as part of the Construction Management Plan that will be submitted by the contractor prior to the construction stage of the development.
- 56 In line with PKC's Local Air Quality Management statutory duty to monitor air quality within PKC area, a Real Time Particulate Matter Monitor is located within the grounds of the existing North Muirton School. Therefore, this should be taken into consideration at the construction and demolition stage of the development and EH should be advised of any activities that may affect the monitoring of the site such as electricity supply etcetera (Condition 4). There is the potential at the construction stage for noise to adversely affect residential amenity, therefore a condition is recommended for construction hours of operation (Condition 5).
- 57 It is therefore concluded that there is no unacceptable impact on residential amenity and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.

#### **Roads and Access**

- 58 The main entrance to the school is to the south of the site for drop off and pedestrian access, with staff parking only to the north. The existing pedestrian gates on the north and east perimeter of the school are to be retained and will remain open, allowing direct pedestrian access for the pupils who live to the north of the site. The majority of pupils coming from the south will walk along the western boundary of the site to the north of the building. This footpath has

been widened from 1.5m to 3m to accommodate the larger numbers of students using this route.

- 59 The existing vehicle access from the north will provide staff car parking with the existing area extended to accommodate increased staff parking from 32 spaces to 61. The vehicle access to the south will provide access to a further parking area and the service yard. The nursery has 8 designated drop-off spaces. A diagonal 1.5m wide footpath also provides a segregated pedestrian route connection from the public car park to the nursery entrance. A further 10 spaces to the front of the school (in addition to the staff car park to the north) will be reserved for staff use. There are also 5 visitor parking spaces, including 4 accessible spaces, to the south of the school.
- 60 A Transport Statement has been prepared to support the application. The statement advises that the vehicle access to the site will be via Uist Place to the north and Argyll Road to the south. The vehicle accesses will not be linked. The applicant has shown in the statement that a 10 metre waste refuge vehicle can turn within the site (accessed from the south). However, the maximum vehicle size operated by Perth & Kinross Council is 12 metres, therefore the applicant was requested to provide a swept path to demonstrate that this vehicle can turn within the service yard to avoid long reverse manoeuvres, this plan has been submitted and agreed with Transport Planning.
- 61 The plans have been updated to include a shelter for 96 bicycles and 30 scooters as recommended by Transport Planning. The provision is considered to be acceptable based on the current roll of both schools. It is noted however that the number is below the requirement stated in the Road Development Guide but it is more than what is noted in Cycling by Design. Furthermore it is considered that the School Travel Plan as required under Condition 18 could address this if cycle use increases. To ensure that the shelters are provided prior to the operation of the school, conditions are recommended (Conditions 19 and 20).
- 62 With the amalgamation of two schools, new routes to school will have to be identified, in particular for the pupils of the current Balhousie Primary School. It is therefore recommended that a School Travel Plan is prepared in advance of the school opening and updated at regular intervals. A condition has been recommended to secure its delivery and implementation. (Condition 18).
- 63 Road Construction Consent will be required for the widening of the existing paths along the boundary of the project, as these paths form part of the existing adopted path network. Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

## **Drainage and Flooding**

### Flood Risk Assessment

- 64 The existing school site is located within an area of flood risk. The Perth Flood Scheme was not constructed to a specific return period but rather constructed to the level of the worst flood on record (1814). Subsequent analysis of the

design level by an independent consultant considered the Scheme to have a standard of protection of around 1 in 250 return period.

- 65 Under Scottish Planning Policy a (new) primary school is considered to be a most vulnerable user and generally not suitable to be located within the 1000 year flood extents, unless it is designed to be capable of remaining operational and accessible during extreme flood events. However, the site is currently in use as a primary school and measures have been taken to increase the finished floor level (FFL) of the building which is approx. +7.1m to provide a significant improvement with regards to flood risk with a new FFL of +7.55m. A combination of the Perth Flood Scheme and raised floor levels will reduce flood risk at the existing site. The Flooding Team have no objection to the proposal, subject to conditions related to the submission of a Flood Action Plan (Condition 9), the finished floor level (Condition 10) and use of flood resistant materials (Condition 11).

#### Drainage Strategy Plan

- 66 The Sustainable Urban Drainage System (SuDS) consists of permeable paving and/or underground storage units designed to attenuate up to the 30-year return period and discharge to the Scottish Water surface water system at the greenfield runoff rate. The proposed SuDS will be owned and maintained by PKC Education.
- 67 The design criteria used in the calculations are acceptable but, as the SuDS will be connected to the Scottish Water network, Scottish Water will ultimately be responsible for checking and approving the design of the system. However, the Flood Team request an appropriate condition is attached requiring submission of the detailed design for review. As the SuDS are designed to a 30-year return period an appropriate overland flood plan will require to be submitted with the detailed drainage design to show the overland flood route during the 200-year plus 20% Climate change flood event. This is to ensure the topography of the proposed site directs surface water away from the school building and other local properties (Condition 6).
- 68 A review of the proposed SuDS locations has highlighted that some geocellular storage areas (units to store surface water) are located under hard standing. The preference is that geocellular storage units are located under greenspace areas in order to allow easier access and reduced maintenance and replacement costs. However, after discussions with PKC Education it is understood and accepted that due to the school being constructed in tandem with the existing school, there is limited space available to locate all SuDS in the preferred greenspace areas. The Flood Team accepts and understand that below ground SuDS was considered the most appropriate method of attenuation of the surface water drainage in this case due to limited space and the risks it would present to young primary school children.

#### SEPA Response

- 69 SEPA experienced a cyber-attack at the end of 2020 which has impacted their ability to respond to consultation requests. Pre-application discussion took

place with SEPA and the Agent has offered the SEPA response from October 2020. The Council's Flood Team have reviewed this response and based on SEPA's response in October 2020, all matters previously commented on by SEPA have been incorporated into the proposed scheme. SEPA have now been able to review a small number of applications this being one, and confirm they have no objection to the proposal based on the assessment made by the Flood Team.

- 70 Section 1.5 of the SEPA pre-application response states 'During the 2016 flood event, piping through the flood defences was witnessed'. The Council's Flooding Team appointed consultants to investigate this issue and remedial works were carried out on the embankment through the installation of a 500m sheet pile wall in 2018/2019. Therefore, this issue has now been resolved.
- 71 In addition, Section 1.5 states the estimate for a 200-year flood event (based on a recent FRA for another site) is 8.14m Above Ordnance Datum (AOD) and for the 200-year plus 35% for climate change a level of around 8.99m AOD. The design level of the Perth flood scheme embankment close to the site is approximately 8.5m AOD with 400mm freeboard (the actual height is 8.9mAOD). Therefore, the Perth Flood Scheme provides a significant level of flood protection to the area. In general, the Perth Flood Scheme is inspected on an annual basis to identify any defects and carry out remedial works where required.
- 72 In conclusion it is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage.

### **Sustainable Development**

- 73 Proposals for all new buildings are required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.' The submitted Sustainability Statement shows that the proposal (based on the 100% air source heat pump provision and 280sqm of Solar PV) would deliver over 20% reduction in CO<sup>2</sup> emissions. This, coupled with the Passivhaus standard proposed (thus reducing energy demand), provides a highly sustainable development that meets the terms of Policy 32. Imposing a condition to ensure this is implemented in line with the Sustainability Statement and confirming 10% reduction is met (post Building Warrant stage) will be added (Condition 24). The objectives of LDP2 Policy 32 are therefore met.

### **Waste Collection**

- 74 The site plan details a large bin storage area within a timber fenced enclosure located to the rear of the school building adjacent to the service access road. The bin store is approx. 44sq metres which is adequate, the turning facilities have been provided adjacent to allow a refuse lorry to service. This meets the requirements of Waste Services.

## **Natural Heritage and Biodiversity**

- 75 The application has been accompanied by an Ecological and Tree Survey. In relation to trees, the report outlines the health of the trees currently on site and recommends that three trees require removal due to poor health. A further nine trees and a group of small trees and dense vegetation are to be removed to allow this development to proceed. The submitted survey found three trees with potential to support roosting bats (449,438,407) but all three will be retained.
- 76 The proposal contains several positive elements and many recommendations outlined in the Tayside Biodiversity Partnerships 'Incorporating Biodiversity into Development' have been included in the proposal. Compensatory planting for the lost trees will be with mainly native species including silver birch and Scots pine. The proposed hedge contains beech and native species such as holly and hazel and a meadow grass mix is also proposed.
- 77 The Bat Survey Report (Drawing ref 30) is in accordance with best practice. Dusk and dawn surveys carried out in July 2020 confirmed the presence of one non-breeding roost on the east aspect of the building used by common and soprano pipistrelle bats. NatureScot has created a new licensing system, Bat Low Impact Licensing, for cases where small numbers of non-breeding pipistrelle bats will be impacted by works including roost destruction. The proposed works for this development is in accordance with the criteria for this new system.
- 78 The proposal includes three integral bat boxes into the proposed new building. This measure will contribute towards the School Bats Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 79 The submitted survey notes the presence of house sparrow on site. As a red listed species, the proposed development could positively contribute by providing nest boxes. This is therefore covered by condition (Condition 14).
- 80 There are records of swifts within the site and as noted above for the house sparrow the proposed development could positively contribute towards swift conservation by incorporating swift nesting bricks or boxes into the new school. (Condition 13).
- 81 As a result of the measures outlined above, the proposal is considered to comply with Policy 40 Forestry, Woodland and Trees and Policy 41 Biodiversity.

## **Developer Contributions**

- 82 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is a replacement school, and directly supports Council objectives. Contributions for Transport Infrastructure is therefore not required.

## **Economic Impact**

- 83 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 84 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the access road to allow refuse vehicles to turn and the inclusion of a cycle and scooter shelter.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 85 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 86 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**

- 87 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 88 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

2. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily,

within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to safeguard the residential amenity of the area.

3. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In order to safeguard the residential amenity of the area.

4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise at the demolition/construction stages. The DMP shall also include procedures that may affect the AQ(PM) Real Time Monitor. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

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

Reason: In order to safeguard the residential amenity of the area.

6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

7. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

8. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the 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.

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.

9. Prior to the occupation or use of the building, a Flood Action Plan shall be prepared for the site and submitted for the agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event. The Plan as approved shall be implemented in full.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

10. The Finished Floor Level of the replacement North Muirton Primary School shall be a minimum of 7.55m Above Ordnance Datum, as stated in Section 3.0 of the Flood Risk Assessment dated 11 January 2021 plan ref (prepared by Goodson Associates P13704 - Rev A).

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

11. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 2 November 2020 plan ref 30 submitted and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development (Particular attention is drawn to Section 8: Impact Assessment).

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

13. Prior to the commencement of development hereby approved, details of the location and specification of the six swift nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the six swift nest boxes or bricks shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.



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

14. Prior to the commencement of development hereby approved, details of the location and specification of the four triple house sparrow nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the four triple house sparrow nest boxes shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

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

15. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

16. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

17. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

18. No part of the development shall be occupied until a School Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

19. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

20. Prior to the occupation or use of the approved development a secure scooter parking facility for a minimum of 30 scooter spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

21. Prior to the occupation or use of the approved development a minimum of four electric charge bays shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage the shift to alternative fuelled vehicles.

22. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

23. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  3. Displayed in a prominent place at or in the vicinity of the site of the development
    - Readily visible to the public
    - Printed on durable material.
  4. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

5. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
9. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
10. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
11. 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.
12. 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.

13. 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. Please note that a fee is chargeable for the processing of RCC applications.
14. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

Background Papers: No letters of representation  
Contact Officer: Joanne Ferguson  
Date: 22 April 2021

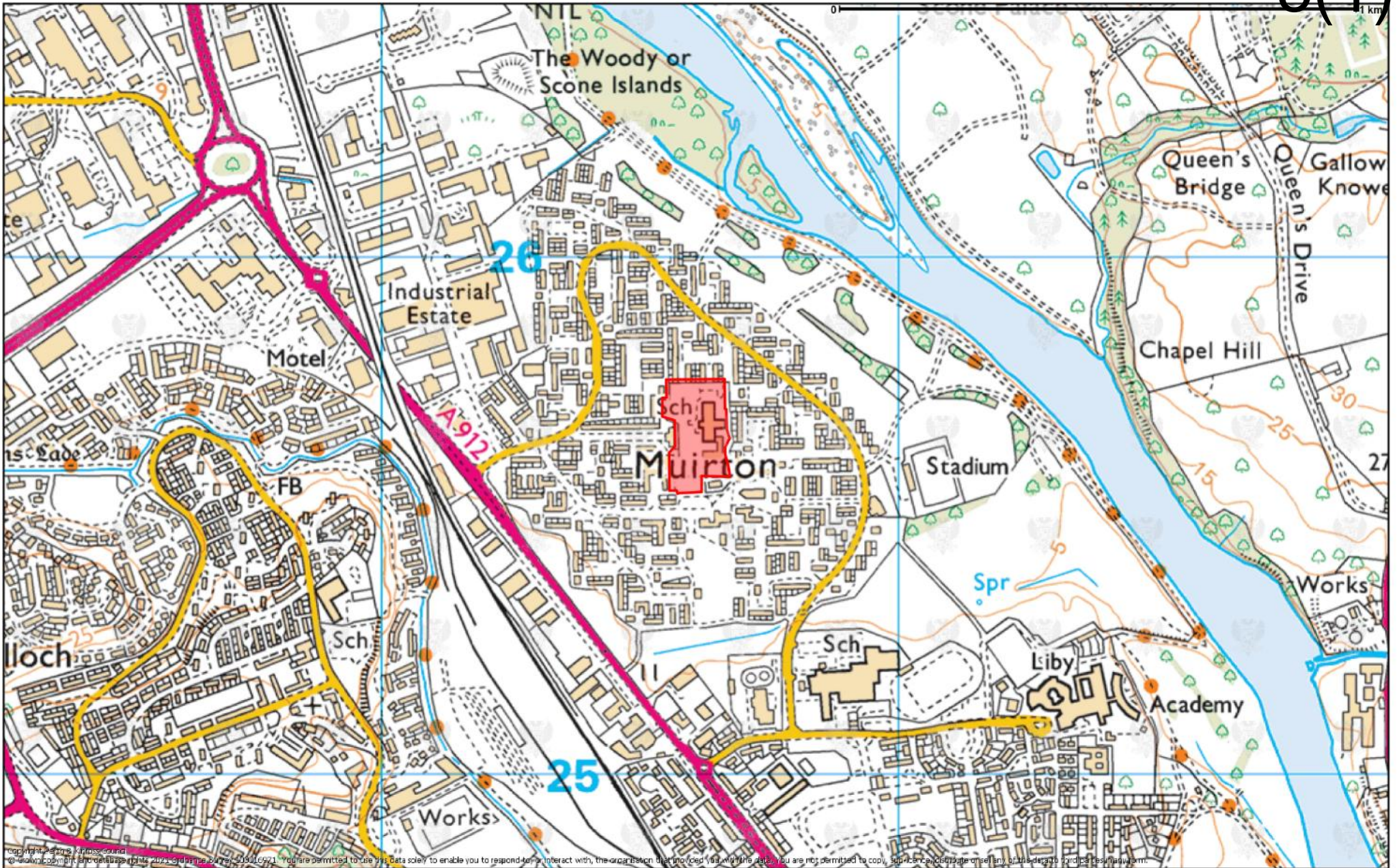
**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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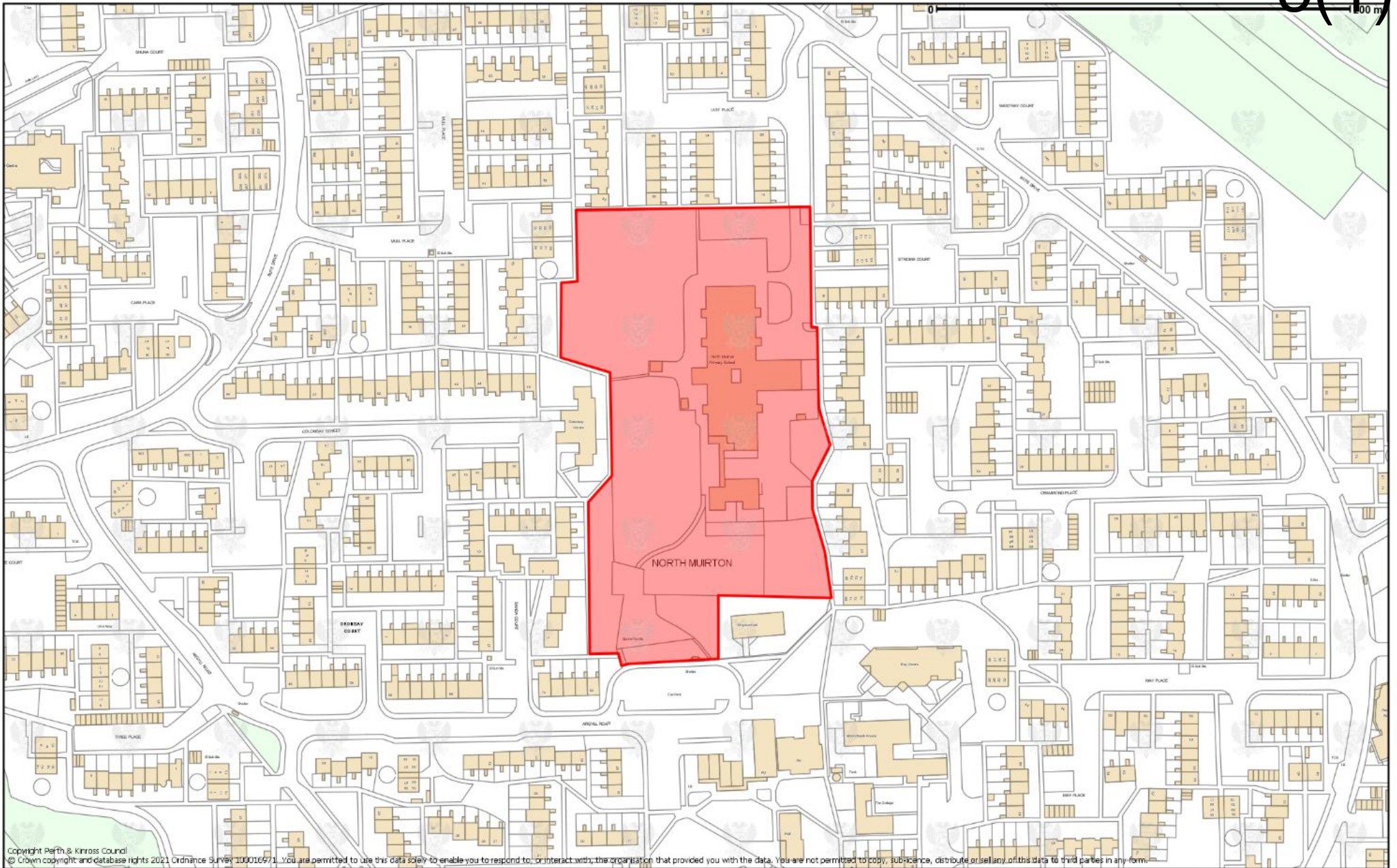


Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works  
North Muirton Primary School, Uist Place, Perth









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**21/00096/FLM**  
Scale 1:2500



**Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works**  
**North Muirton Primary School, Uist Place, Perth**





Perth and Kinross Council  
Planning & Development Management Committee – 5 May 2021

Pre-Application Report by Head of Planning and Development (Report No. 21/59)

Extension to quarry, Marlee Quarry, Essendy

Ref. No: [21/00002/PAN](#)

Ward No: P3 - Blairgowrie and Glens

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Extension to an existing operational quarry at Marlee Quarry, Essendy west of Blairgowrie.

The report also aims to highlight key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 9 March 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Marlee Quarry, Essendy, comprising an extension to the quarry on land to the north of the B947, beyond the existing quarry extents with continued use and operation of the existing processing and stockpile area. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development comprising an extension to the existing excavation area to extract sand and gravel to the north of the B947 at Leys of Marlee, alongside continued operation of existing processing and stockpiling area. The proposal acknowledges and makes provision for final restoration of the site at the cessation of extraction and processing operations. The plan boundary, including the linking haul route, extends to over 30 hectares. An indicative design submitted as part of the Environmental Impact Assessment (EIA) scoping opinion identified 3 excavation areas to be worked over 5 phases with up to 75,000 tonnes extraction per annum, for a period up to 18 years. The exact scale, operational detail and design of the development may be arrived at during pre-application discussions.

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

- 3 The applicant has already accepted and acknowledged that the proposals will constitute EIA development through the submission of the request for a formal

EIA scoping opinion (20/00909/SCOP). A scoping opinion was issued in December 2020.

## **PRE-APPLICATION PROCESS**

- 4 The PoAN confirmed that a public interactive event was held on Tuesday 31 March between 1800 – 2000. A link to the consultation was placed on the consultant’s webpage. Further information and consultation opportunities were made available via mail, e-mail and telephone. The local ward Councillors and Blairgowrie and Rattray Community Council were notified. An officer response on the PoAN submission was provided, requesting that the local MSP and MP were also notified, along with a wider reaching letter/leaflet notification to local residents within 750m of the site boundary. Clarification on the timescales for the advert have also been sought, alongside a recommendation to undertake a follow-up public interactive event in relation to the wider consultation requirements. The results of the community consultation will be submitted in the Pre-Application Consultation (PAC) Report supporting the planning application. The earliest a planning application can be submitted is 1 June 2021.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

- 6 The 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 a 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.

### **The Scottish Planning Policy 2014 (Revised December 2020)**

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal: -
  - Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Rural Development: paragraphs 74 – 91
  - Supporting Business and Employment: paragraphs 92 – 108
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268

8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -

- PAN1/2013 Environmental Impact Assessment
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

## **LOCAL POLICY AND GUIDANCE**

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

9 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*

10 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing TAYplans Assets

### **Perth and Kinross Local Development Plan 2019**

11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

12 The 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.”*

13 Under the LDP, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 8: Rural Business and Diversification

- Policy 26: Scheduled Monuments and Archaeology
- Policy 31: Other Historic Environment Assets
- Policy 37: Management of Inert and Construction Waste
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 45: Lunan Lochs Catchment Area
- Policy 47: River Tay Catchment Area
- Policy 48: Minerals and Other Extractive Activities
- Policy 49: Minerals and Other Activities
- Policy 51: Soils
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements

### **OTHER POLICIES**

- 14 The following supplementary guidance and documents are of particular importance in the assessment of this application: -
- Tayside Landscape Character Assessment (TLCA)
  - Green and Blue Infrastructure Supplementary Guidance (2020)
  - Flood Risk and Flood Risk Assessments – Developer Guidance January 2021
  - BS 4142:2014+A1:2019 – Methods for rating and assessing industrial and commercial sound

### **PLANNING SITE HISTORY**

- 15 92/00830/FUL Proposed extraction of sand and gravel. Planning permission approved on 9 December 1994.
- 16 [17/00903/SCOP](#) Scoping request to extend the operational life of the quarry to allow extraction of remaining consented reserves through a Section 42 application to amend terms of Condition 1 of permission 92/00830/FUL.
- 17 [17/01371/MWM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 seeking to develop land without complying with Condition 1 of planning permission PK920831 (extraction of sand and gravel). Planning permission approved 2 April 2019.
- 18 [20/00909/SCOP](#) Scoping request for proposed extension to quarry through extended excavation area. Scoping opinion provided December 2020.

### **CONSULTATIONS**

- 19 As part of the planning application process the following would be consulted:

## **External**

- Scottish Environment Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Historic Environment Scotland (HES)
- British Geological Society (BGS)
- Perth and Kinross Heritage Trust (PKHT)
- Blairgowrie and Rattray Community Council

## **Internal**

- Environmental Health
- Strategic Planning and Policy
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

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

- 20 The key considerations against which the eventual application will be assessed include:
- a) Proposed site choice
  - b) Scale, Design and Layout
  - c) Relationship to Nearby Land Uses
  - d) Natural Heritage and Ecology
  - e) Landscape and Visual Impact
  - f) Water Resources and Soils
  - g) Air Quality
  - h) Transport Implications
  - i) Socio-Economic Impacts (including Tourism and Economy and Agriculture)
  - j) Archaeology and Cultural Heritage

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

- 21 In association with the EIA Report, the following supporting documents are anticipated to be required in support of any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Habitat Survey
  - Archaeological Assessment
  - Sustainability Assessment
  - Waste Management Plan

## CONCLUSION AND RECOMMENDATION

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

Background Papers: None  
Contact Officer: Callum Petrie  
Date: 22 April 2021

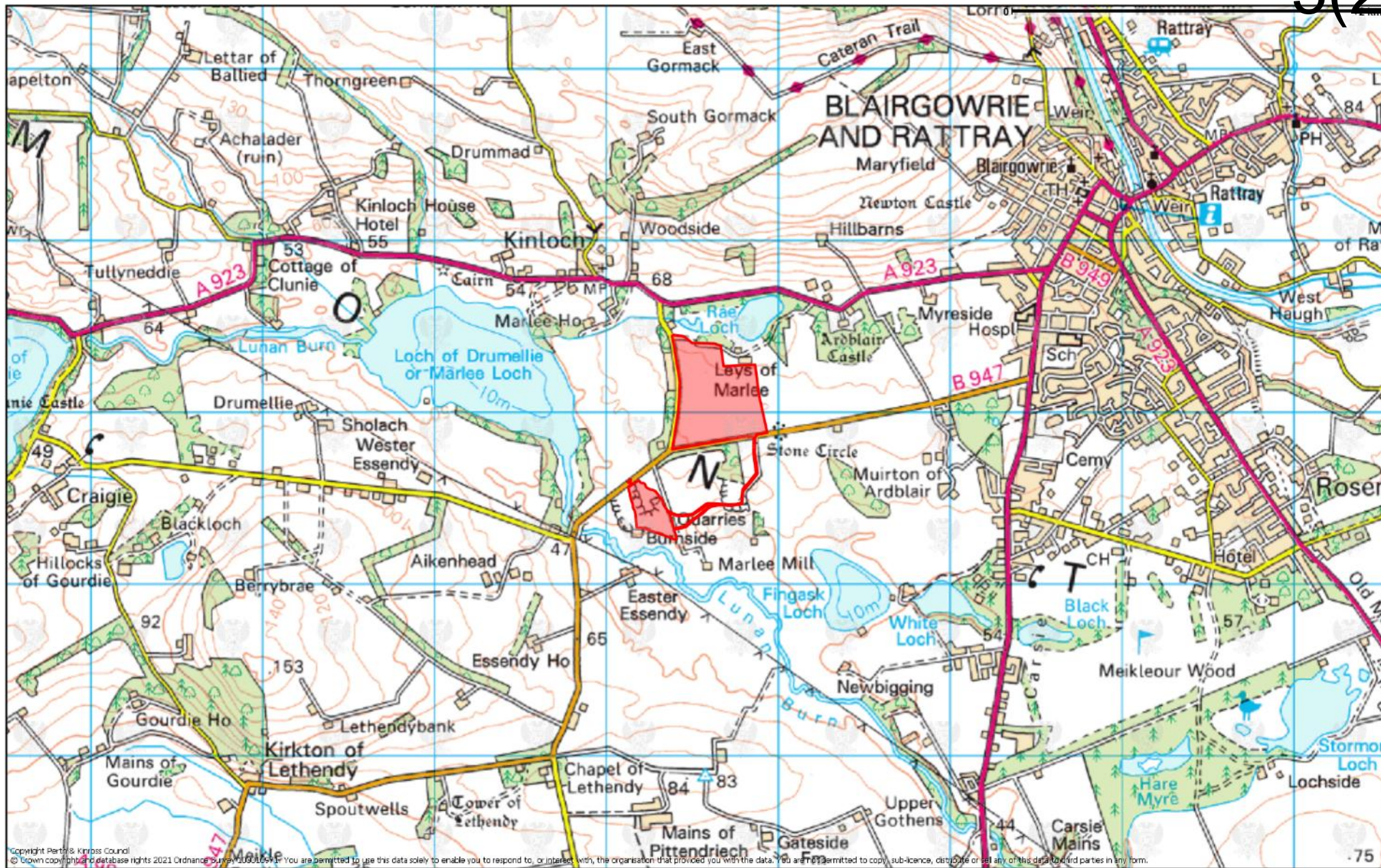
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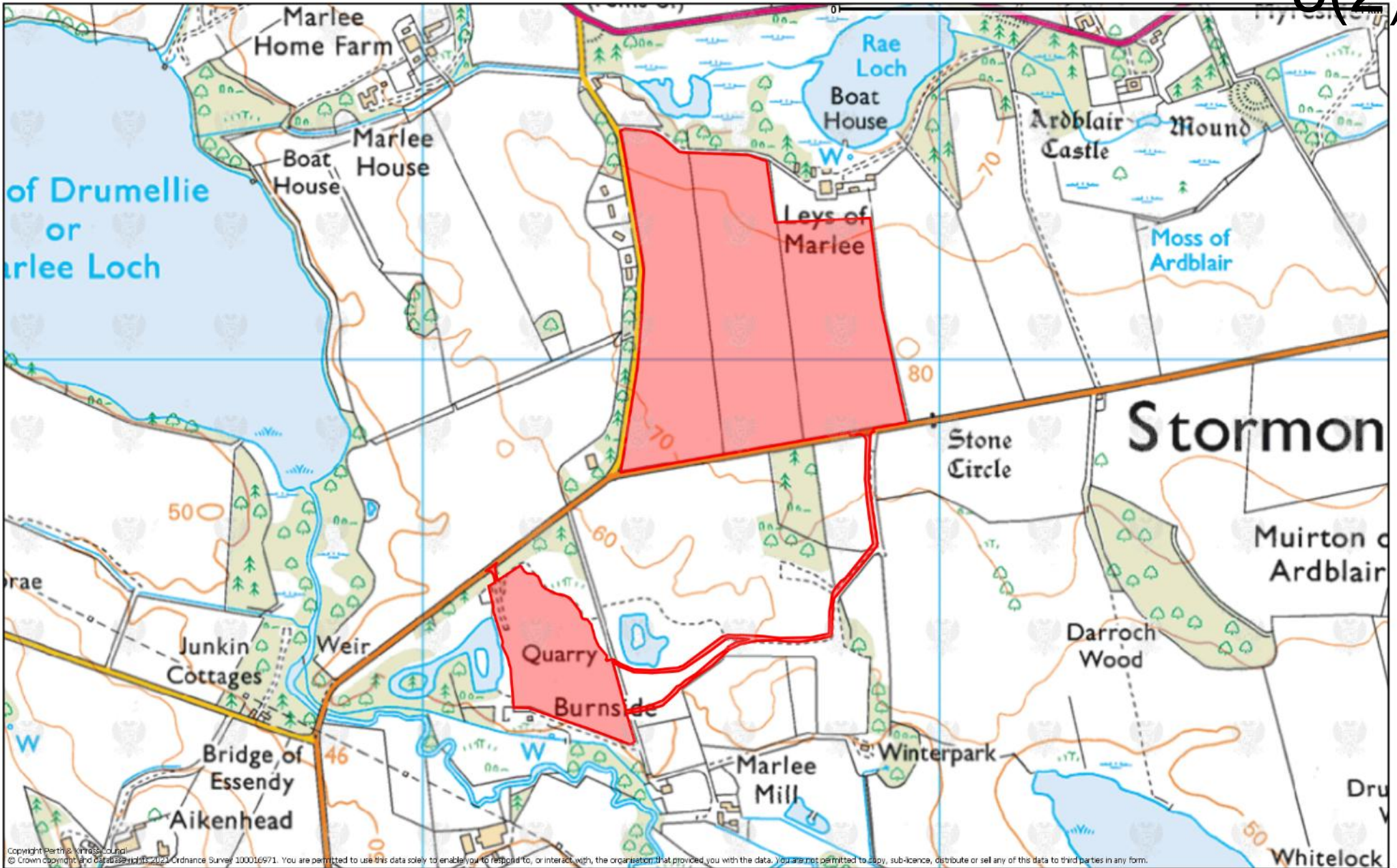




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**Extension to quarry**  
**Marlee Quarry, Essendy**



