

SPECIAL MEETING OF DEVELOPMENT CONTROL COMMITTEE

Minute of Special Meeting of the Development Control Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Monday 28 March 2011 at 12.30pm.

Present: Councillors W Wilson, K Lyall, K Baird (substituting for Councillor C Gillies), I Campbell, E Grant, J Kellas, A Jack, W Lumsden, M Lyle and S Miller.

In Attendance: J Valentine, K McNamara and N Brian (all the Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Councillor W Wilson, Convener, Presiding.

172. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the Councillors' Code of Conduct.

173. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **09/01289/FLM – KINROSS – Updated Report on change of use of land to Class 11 use (assembly and leisure) plus motor vehicle activities and sports and funfairs at Balado Park – D & J Alexander –Report by Depute Director (Environment) (copy herewith 11/147)**

N Brian, Development Quality Manager, advised the Committee that the following amendments required to be noted to Report 11/147.

1. The author of the report had erroneously been documented as being the "Depute Director (Environment)" when it should have been the "Development Quality Manager".
2. The word at the end of line 1 of Condition 15 should read "combustible".
3. The reference to threshold numbers, from Condition 6 onwards, should read 1,000 (not 5,000).

N Brian also advised that, following the Committee's decision to approve the application in December 2010, and the further consideration of the application by the Committee in February 2011, Scottish Ministers had referred the matter back on both occasions. He advised that there is now a clear understanding of the content and scale of the activities which the Scottish

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Ministers wish to be controlled by planning conditions in order to remove their call-in Direction, which conditions address the concerns previously held by the Health and Safety Executive. N Brian advised that this has been reflected in the conditions recommended within the report.

Resolved:

Grant, subject to the following conditions, with the amendments as previously intimated by N. Brian:

1. The development shall be begun within a period of three years from the date of this consent.
2. Only one festival or Major event defined as attracting over 1,000 people within the outer boundary of the outer zone shall be permitted which shall be restricted to 34 hours of live entertainment over a consecutive three day period and shall not be permitted after 31 December 2011.
3. The layout for the Major event taking place in 2011 (i.e. all activities/events, stages and attractions (both tented and outdoor) and distance from the BP Forties pipeline) shall be in accordance with the following Table unless otherwise agreed in writing by the Council as local Planning Authority with the agreement of HSE:-

Tented & Outdoor Stage/attractions Capacity/Persons	Minimum Distance from Pipeline Centreline to Tent/Crowd Area Centeroid
Less than 2000	Outside inner zone boundary (greater than 110m)
3000	130m
4000	245m
5000	315m
6000	355m
7000	370m
More than 8000	Outside outer zone boundary (greater than 435m)

4. The following additional restrictions shall apply to a festival or Major event:
 - (a) The centre of the area set aside for the audience at the "main stage" shall be not less than 475 metres from the pipeline. Provision shall be made, including a physical barrier (or other suitable measure to the agreement of the Council as local Planning Authority and the agreement of the HSE), to prevent the attendant crowd at the "main stage" being nearer than 380 metres to the Pipeline.
 - (b) No member of the public shall be present inside the boundary of the inner zone (110 metres from

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the pipeline), with the exception of parking their vehicles, and access/egress. Parking provision (except that restricted to the applicants or operator's employees in relation to a Major event or its contracted workforce) inside the inner zone, shall be in a manned controlled area, solely for vehicles used to transport the public. Controls to be in place to prevent members of the public being present for significant periods (>30 minutes), and especially: assembly, picnicking, camping, sleeping in vehicles, dispersion of those attending the event at the end of each day, unless otherwise approved by the Council as local Planning Authority with the agreement of HSE.

5. The following conditions shall apply to any festival or event which is not the Major event:
 - (a) no more than 1000 members of the public shall be present inside the outer boundary of the outer zone (435 metres from the Pipeline) and/or;
 - (b) no more than 100 members of the public shall be present within the middle zone (380-110 metres from the Pipeline) and/or;
 - (c) no member of the public shall be present inside the boundary of the inner zone (110 metres from the Pipeline), with the exception of controlled parking as per Condition 4.
6. A wayleave extending 6 metres either side of the hazardous pipeline route through the application site shall be created ahead of any large scale event (more than 1000 persons) through the erection of herras fencing, or another appropriate alternative agreed in writing by the local Planning Authority, to prevent public access to the pipe. The protective fencing shall remain in place for the duration of that event/activity. There shall be no access to the pipeline easement strip, as detailed above, for either: vehicles (except at agreed crossing points), the public, event employees or its contracted workforce, for the duration of the festival, unless directed by the pipeline operator.
7. No Major (ie more than 1000 persons) event / activity at the site shall take place until:
 - (a) the Council as Planning Authority has received certification confirming that non-destructive testing of the pipeline in relation to that specific event has been undertaken by the Pipeline Operator and that the Pipeline Operator is satisfied from the processing of that recorded data, that the condition of the pipeline is satisfactory and would not be prejudiced by that event; and

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- (b) full and practised Emergency Response Plans have been put in place in accordance with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Such details shall include the results of desk top and site testing and plans shall be reviewed and updated annually, where necessary, if relating to regular events.
8. Prior to the staging of any Major event (more than 1000 persons) the location of fixed pipeline crossing points for vehicles and pedestrians shall be submitted to, and agreed in writing by, the Council. Where necessary, crossing points shall be reinforced in accordance with details which shall previously have been submitted to, and agreed in writing by, the Council as local Planning Authority.
9. The clearance of waste, litter and other debris from the application site and generated by any large scale event permitted by this consent, (i.e. over 1000 persons and carried on from the application site), shall be completed 14 days from the end of that event.
10. During construction and de-commissioning phases of any Major event permitted by this consent, (ie, over 1000 persons and carried on from the application site), reinforced track surfacing for ground protection to site access and service roads within the application site shall be laid, and utilised by service vehicles, and shall remain in place for the duration of the event itself.
11. The routes and arrangements for vehicle access to the site for construction and service vehicles associated with construction and de-commissioning phases of any Major event permitted by this consent (i.e. over 1000 persons and carried on from the application site) shall accord with details which shall have been submitted to, and agreed in writing by, the Council as local Planning Authority, in advance of any such event.
12. With the exception of any organised caravan rally or events which are covered by specific licence conditions, the hours within which the Activity Centre shall operate shall be restricted to daylight hours, but in any event not outwith the hours of 8.00am to dusk or 10.00pm, whichever is the later. The operation of other unlicensed large scale events (i.e. more than 1000 persons) shall be limited to a midnight finish.
13. Prior to the hosting of any other Major event / activity, (i.e. over 1000 persons and carried on from the application site) arrangements for the control and management of noise shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Event

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management shall strictly accord with those approved details.

14. Noise resulting from the granting of this permission shall be controlled such that when measured and expressed as a L_{Aeq} (60 minutes), it does not exceed 3dBA above the background level expressed as L_{A90} during the operating hours permitted by this planning permission, when measured according to BS4142, 1997 at any nearby residential property, other than for events which are covered by specific licence conditions.
15. There shall be no storage at any time (temporary or permanent) of combustible material or the lighting of fires along the pipeline route or within the wayleave area.
16. Prior to the staging of any event or hosting any activity, measures for the protection of dry drainage ditches within the application site and watercourses adjacent to the site, and the maintenance of buffer strips around those routes, shall have been put in place in accordance with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. The approved protective measures shall remain in place for the duration of that event/activity.
17. Foul drainage for all public events or activities carried out on the site shall be removed from the Loch Leven Catchment Area. Proposals for dealing with foul drainage shall accord with details which previously shall have been submitted to, and approved in writing by, the Council as local Planning Authority. Prior to the commencement of any event/activity, the applicant shall submit evidence to show that a contractual obligation has been entered into by the applicant with contractors for the complete removal of all effluent from the site and the Loch Leven Catchment area, as defined in the Kinross Area Local Plan 2004.
18. Within a period of three months from the date of this approval, a scheme which demonstrates that satisfactory foul drainage and oil/fuel storage provision is available to the development site shall be submitted for the written approval of the local Planning Authority. The submitted scheme shall include the following details:
 - (a) effluent and grey water disposal arrangements
 - (b) the location of sanitary accommodation to be shown on a site map
 - (c) details of the underground collection tank in the application site to include size, location, notification of when tanks are to be emptied and by whom, certification of the integrity of the tanks, capacity, maintenance and testing
 - (d) monitoring of, and mitigation measures relating to, leaks in the foul effluent transfer system

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- (e) the provision of a fuel storage and transfer facility which complies with the Water Environment (Oil Storage) (Scotland) Regulations 2006
 - (f) contingencies in the event of fuel/oil/diesel spillage.
19. The approved scheme shall be implemented as the practice for all recreational events unless otherwise agreed in writing by the Council as local Planning Authority.
20. Microlight flight training circuits from the site shall strictly accord with those routes detailed in Appendix B of the submitted Environmental Statement and no flying instruction involving the use of the fixed Balado circuits shall take place before 0900hrs.
21. The following noise mitigation measures for all aircraft flown from the site shall be incorporated:
- All microlight aircraft flown into, or out of, the site must conform to the appropriate Civil Aviation Authority regulations/standards;
 - The noise level from any individual model aircraft shall not exceed 82 dB(A) when measured in accordance with the Code of Practice on Noise from Model Aircraft 1982 or any subsequent version.
22. All vehicles associated with motor sport activities shall be provided with silencers and suitably maintained as per the operator/manufacture's instructions and any Governing Association regulations/standards, to minimise any noise nuisance potential.
23. The motor vehicle and motor sports activities hereby permitted shall be restricted to the areas of hardstand/hardsurfacing within the site unless otherwise agreed in writing by the Council as local Planning Authority.
24. No event /activity shall take place within woodland area to the east of the site at OS parcel no 0986003778 without the prior approval in writing of the Council as local Planning Authority.

PROCEDURAL NOTES

1. The decision of the Committee will need to be re-submitted to Scottish Ministers for their decision.
2. No consent shall be issued until a Section 75 legal agreement has been signed for the delivery and sustainability of effective phosphorus-loading mitigation measures. (The objection from Scottish Natural Heritage is withdrawn only subject to such an agreement and suitable planning conditions).

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