

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Thursday 24 January 2013 at 9.30am.

Present: Councillors T Gray, B Band, H Anderson, I Campbell, A Gaunt, J Giacobazzi, J Kellas, M Lyle and G Walker.

In Attendance: Councillors B Vaughan (Item 4(1)(i) only) and Councillor C Shiers; N Brian, A Condliffe, J Thomson, K Steven, M Petrie (up to and including Item 4(1)(ii) only), J Corey (up to and including Item 4(1)(i) only), N McCowan Hill and G Peebles (all The Environment Service); G Fogg and Y Oliver (both Chief Executive's Service).

Apologies: Councillors M Barnacle, C Gillies, A Jack and A Livingstone.

Councillor T Gray, Convener, Presiding.

. **DECLARATIONS OF INTEREST**

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

. **MINUTE OF PREVIOUS MEETING**

The Minute of Meeting of the Development Control Committee of 12 December 2012 was submitted, approved as a correct record and authorised for signature.

DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Article No.
12/01087/FLL	
12/01283/FLL	
12/01864/FLL	
12/01924/FLL	

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) **12/01087/FLL – BUTTERSTONE – Installation of a run of river hydro scheme, powerhouse and associated works on land at Buckny Burn, by Butterstone – Mr A Linklater – Report 13/27**

Mr A Linklater, applicant, accompanied by Mr C Brett and Mr M Maclagan, consultants, followed by Mr B Turvey, accompanied by Mr D Bowdler, consultant, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Motion (Councillors I Campbell and T Gray) – Defer, to allow the applicant to enter into further discussions with the local community with regard to mitigation measures in connection with the visual impact of the proposal.

Amendment (Councillors B Band and A Gaunt) – Grant, subject to the following conditions:

1. **The development shall be undertaken in accordance with the Application and Environmental Statement, unless otherwise provided for by conditions imposed on the planning consent. The development shall be undertaken in its entirety, with no partial implementation and construction activities shall be completed within an 18 month period from the commencement of the development unless otherwise agreed in writing by the Planning Authority.**
2. **Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:**
 - (a) **restriction of construction traffic to approved routes;**
 - (b) **a code of conduct for HGV drivers to allow for queuing traffic to pass;**
 - (c) **emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;**
 - (d) **arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;**
 - (e) **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;
 - (f) arrangements to ensure that access for emergency service vehicles are not impeded;
 - (g) co-ordination with other major commercial users known to use roads affected by construction traffic;
 - (h) monitoring, reporting and implementation arrangements; and
 - (i) arrangements for dealing with non-compliance.
- The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.
3. Prior to the commencement of site clearance details of trees to be retained and the comprehensive approach to their protection in accordance with *BS 5837:2012 "Trees in relation to Construction"* shall be submitted for the written approval of the Council as Planning Authority. For the avoidance of doubt this should specifically limit the working corridor within the Den of Riechip to a maximum of six metres in width. Following tree works the protection scheme shall be installed immediately in accordance with the plan unless phasing has been proposed and approved. The 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.
 4. Prior to the commencement of development the operator of the hydro scheme shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid. Details of the connection point and methods of connecting to the grid from the powerhouse shall be submitted for approval of the Council as Planning Authority. Thereafter the connection shall be installed in accordance with the approved method.
 5. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and

approved by the Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. Such details shall be submitted not less than one month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the Development shall be fully undertaken in accordance with the approved CEMP.

6. Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays, with no working on Sundays, local or national public holidays unless otherwise agreed in writing with the Planning Authority.
7. Prior to the commencement of development details of an independent and suitably qualified Ecological Clerk of Works to be appointed by the developer, and approved by the Planning Authority to oversee specified construction and decommissioning phases of the development. The Ecological Clerk of Works shall have responsibility for co-ordinating environmental monitoring and implementation of the necessary mitigation measures as required by the planning conditions, this shall include an approved timetabled reporting scheme to the Planning Authority.
8. The Ecological Clerk of Works (ECoW) shall be involved in the following activities:-
 - (a) Provide an ecological tool box talk to construction staff prior to the commencement of construction works.
 - (b) The ECoW shall mark out Groundwater Dependant Terrestrial Ecosystems (GWDTEs) prior to the commencement of any construction activities and construction works within these areas shall be undertaken in accordance with Section 6.10 of the Bowland Ecology Ecological Appraisal (September 2012).
 - (c) Prior to the commencement of any clearance/felling or development works on site pre-construction surveys shall be carried out by a suitably qualified ecologist to determine the presence of all European Protected Species (Otter, Wildcat, all bat species) and also Red Squirrel and determine any mitigation measures required to minimise disturbance of such species. Any such mitigation measures shall have been submitted to and approved by

- the Planning Authority in consultation with SNH.
- (d) Prior to the commencement of any vegetation clearance associated with development the ECoW shall walk in front of those strimming the working corridor to encourage animals/reptiles to relocate themselves. For the avoidance of any doubt the strimming works shall be undertaken between the months of February to October.
 - (e) If works are undertaken during the bird breeding season then the ECoW shall survey vegetation prior to its removal. If an active nest is found then works should be modified to ensure it does not disturb the young until they have fled the nest.
9. Prior to any decommissioning of the site a Decommissioning Method Statement shall be submitted for the approval of the Council as Planning Authority in consultation with SNH and SEPA. This Method Statement should ensure there is a process in place for ensuring good practice working methods are used for the removal of infrastructure and site restoration.
 10. Prior to commencement of development, a fully detailed landscaping mitigation plan which will ensure there is no net loss of trees associated with the felling required to implement the consent shall be submitted to and approved in writing by the Planning Authority. The landscaping and replanting details will have a particular focus on the vicinity of the Den of Riechip SSSI, the wash out channel and powerhouse. Measures to protect the new planting from animals should be included. The approved scheme shall be fully implemented to the satisfaction of the Planning Authority no later than the first planting season following the commissioning of development. Any plant failures through disease, weather exposure, neglect or damage shall be replaced with equivalent species within one year of such failure.
 11. Within three months of completion of the construction works any dykes that have been dismantled to accommodate the pipeline route shall be fully reinstated to their original height and design all to the satisfaction of the Planning Authority.
 12. Prior to the commencement of development details of fencing (specification and locations) associated with the above ground structures shall be submitted to and approved in writing by the Planning Authority,

- thereafter the scheme shall be implemented in accordance with the approved plans.
13. Power generating equipment shall be acoustically enclosed to attenuate sound therefrom, such that it does not exceed Noise Rating 30 between the hours of 0700 and 2300 hours or Noise Rating 20 between the hours 2300 and 0700 hours within any neighbouring noise-sensitive property. The measurement shall be taken with the windows slightly open and the figure when measured and/or calculated and plotted on a Noise Rating chart, if considered necessary by the Council as Planning Authority in the event that any noise nuisance complaint is authenticated.
 14. The powerhouse and transformer compound shall be designed and constructed to the satisfaction of the Planning Authority to ensure that nearby dwellings are not subjected to Vibration Dose Values in excess of 0.2 to 0.4 m/s^{1.75} between 2300 and 0700 hours (as set out in Table 1 of BS 6472-1:2008 Evaluation of human exposure to vibration in buildings) as a result of vibration from plant associated with the application.
 15. Prior to commencement of site works, details of the location and measures proposed for the safeguarding and continued operation, or replacement 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 approved protective or replacement measures shall be put in place before the site works commence and shall be so maintained throughout the period of construction.
 16. Prior to the commencement of development details of the flood resistant and resilient materials to be incorporated into the design of the powerhouse along with acoustic attenuation measures shall be submitted to and approved in writing by the Planning Authority, thereafter the scheme shall be implemented and maintained in accordance with the approved plans.
 17. Prior to the commencement of development a levels survey (existing and proposed) detailing the cut and fill required to develop the powerhouse site shall be submitted to and approved in writing by the Planning Authority. This will include cross sections showing proposed finished ground and floor levels of the powerhouse building relative to a fixed datum point

- and illustrate the impact on flood plain capacity is minimised. Following approval the scheme shall be implemented in accordance with the approved plans.
18. The external surfaces of the building(s) and, where applicable, all areas of hard surfacing, shall not be constructed other than in materials, details/samples of which shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of development.
 19. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
 20. The core path DUNK/123/1 adjacent to the site shall not be obstructed during building works or on completion unless otherwise agreed in writing with the Planning Authority. Any damage done to the route and associated signage during building works must be made good on completion of the construction works all to the satisfaction of the Planning Authority.
 21. In the event the Development fails to produce electricity on a commercial basis to the public network for a continuous period of 12 months with no realistic expectation of resumption in the foreseeable future, then, unless otherwise agreed in writing with the Planning Authority, it shall be deemed to have permanently ceased to be required. The Planning Authority shall have due regard to the circumstances surrounding the failure to generate and shall take any decision following discussion with the Company and such other parties it considers appropriate. If the Development is deemed to have ceased to be required the Company shall cause the Development to be decommissioned and the site will be reinstated within a period of eighteen months following the expiry of such period of cessation or within such timescale as agreed in writing by the Planning Authority. Reinstatement shall include the removal of the above ground infrastructure, if considered necessary and restoration of the natural water regime to normal

flows, to the written satisfaction of the Planning Authority in consultation with other relevant authorities in accordance with Condition 9.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Procedural Notes

None.

Informatives

1. This planning permission will last only for three years from the date of the 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. 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.
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 that the works are likely to need a licence under the Water (Controlled Activities) Regulations 2011 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

6. **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.**

7 Members voted for the Amendment as follows:

Councillors B Band, H Anderson, A Gaunt, J Giacomazzi, J Kellas, M Lyle and G Walker.

2 Members voted for the Motion as follows:

Councillors T Gray and I Campbell.

Resolved:

In accordance with the Amendment.

FOLLOWING A SHORT ADJOURNMENT, THE COMMITTEE RECONVENED.

- (ii) **12/01283/FLL – TRINITY GASK – Erection of a dwellinghouse and wind turbine on Land 300 Metres North West of Chapelhill, Trinity Gask – Mr A Oldroyd and Mrs Griesbaum – Report 13/28**

Mr N Brian, Development Quality Manager, requested that, should the Committee be minded to approve the application, an additional condition be added with regard to noise emissions from any plant or equipment installed on site.

Mr A Oldroyd, applicant and Mr C Harper and Ms A Craven, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions and an additional Condition 13 being added, together with the proviso that the education contribution be paid prior to commencement of development or the applicant enter in to a Section 75 legal agreement to defer the payment:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Details of the specification and colour of the proposed external finishing materials to be used to the house and wind turbine shall be submitted for the approval of the Planning Authority prior to the commencement of the

- development. The scheme as approved shall be implemented prior to the occupation and or use of the development.
3. Prior to the occupation or use of the approved development the vehicular access shall be reformed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.
 4. The gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public road.
 5. Visibility splays of 2.4m x 70m measured from the centre line of the new access shall be provided in both directions along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.
 6. 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.
 7. Prior to the occupation or use of the approved development a minimum of 4 No. car parking spaces shall be provided within the site.
 8. Noise arising from the wind turbine shall not exceed an L_{A90} , 10 min of 35 dB at the nearest noise sensitive premises at wind speeds not exceeding 10m/s, and measured at a height of 10m above ground level at the wind turbine site, all to the satisfaction of the Council as Planning Authority. In the event that audible tones are generated by the wind turbine, a 5dB(A) penalty for tonal noise shall be added to the measured noise levels.
 9. On a formal written request by the Council as Planning Authority, appropriate measurements and assessment of the noise arising from the wind turbine (carried out in accordance with ETSU report for the DTI - *The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)*) shall be submitted for the approval in writing by the Council as Planning Authority.
 10. The proposed wind turbine shall be erected in the position indicated in the approved plans, however the turbine position can be varied by up to 25m after consultation with and written approval of the Planning Authority.
 11. The occupation of the dwellinghouse hereby approved shall be limited to a person or persons employed in the management of the land for sustainable living which forms the applicant's landholding as identified in the submitted planning application.

12. Prior to any works starting on site, details shall be submitted to and approved in writing by this Planning Authority of the monitoring equipment and processes to be used in the development to establish levels of energy use. The details agreed shall be fully operational to the satisfaction of this Council as Planning Authority prior to the occupation of the dwellinghouse and shall be maintained thereafter. All information and data collected through this monitoring shall be provided in writing to this Planning Authority on an annual basis.
13. All plant or equipment (including any ventilation system) 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 noise-sensitive property, with all windows slightly open, when measured and/or calculated and plotted on a Noise Rating curve chart.

Justification

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Procedural Notes

Prior to the issue of consent the applicant shall make a financial contribution towards improving educational capacity at Madderty Primary School of £6,395. A deferral of this payment may be acceptable through the conclusion of a suitable legal agreement with the Council.

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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. 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).

5. In terms of Section 56 of the Roads (Scotland) Act 1984 the applicant must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant 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.
7. The applicant shall ensure the private water supply for the house//development complies with the Water Scotland Act 1980 (Section 63) and the Private Water Supplies (Scotland) Regulations 2006. 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 legislation.

(iii) 12/01864/FLL – BANKFOOT – Modification of existing consent (09/00559/FLL – vary condition 2) Erection of a temporary dwellinghouse at Nether Blelock Farm, Bankfoot – Ms S McEwan – Report 13/29

Ms S McEwan, applicant and Mr J Drummond, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. Permission is hereby granted for a limited period until 31 January 2015 and the development authorised by this consent shall be removed and the site reinstated to its former condition to the satisfaction of the Planning Authority prior to the expiry of the period of consent.
2. The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
3. The occupation of the dwellinghouse shall be restricted to a person solely or last employed locally in agriculture at Nether Blelock Farm, Bankfoot as defined in Section

277(1) of the Town and Country Planning (Scotland) Act 1997 or a dependant of such a person residing with him or her (but including a widow or widower of such a person).

4. A detailed landscaping and planting scheme for the site shall be submitted for the further approval of the Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within six months of the occupation of the house; unless otherwise agreed in writing with the Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

Procedural Notes

None.

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 applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to. Please be aware there is currently limited capacity at Wolfhill Waste Water Treatment Works.

4. No work shall be commenced until an application for building warrant has been submitted and approved.

(iv) 12/01924/FLL – BLAIRGOWRIE – Modification of existing consent 12/00230/AMM to revise the on-site affordable housing element for a commuted sum and substitute 20 mainstream housing units – Miller Homes Limited – Report 13/30

Mr K Cooper, on behalf of Miller Homes, applicant, and Ms D McVean, objector to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The detailed landscaping and boundary scheme for the site as part of this submission is not approved. A further revision of the current landscape and boundary proposals shall be submitted for the further written approval of the Planning Authority, prior to the commencement of development.
3. The approved detailed boundary landscaping and planting scheme for the site as approved shall thereafter be fully implemented as part of the site development programme, prior to the occupation of any part of the development and maintained in perpetuity.
4. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
5. The proposed public courtyard element as identified on site plan 12/01924/9 shall be universally finished in an agreed mono-block treatment as detailed, in isolation to the structural tree planting as proposed through a revised detailed landscape and boundary plan in accordance with Condition 2.
6. The proposed roofing material of all properties shall be finished in a slate grey concrete roof tile to the satisfaction of the Council as Planning Authority.

Justification

Planning Consent 10/01370/AMM and 12/00230/AMM were approved contrary to the extant Development Plan and this application is considered to continue to accord with the salient points of aforementioned consents, with no other material considerations to justify a departure therefrom.

Procedural Note

A revised legal agreement for the staged, deferred payments for affordable housing and associated education contributions will require to be concluded prior to the issuing of any consent, assessed and managed through planning application 12/02090/MPO.

Informatives

1. This planning permission will last only for three years from the date of the 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 is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. The applicant is advised that this application is dually predicated on the direct association and agreed outcome of planning application 12/02090/MPO.

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