

Directorate for Local Government
and Communities
Planning and Architecture
Planning Decisions



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Russell Stewart

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Your ref: RS/6.9.16.1a/NS
Our ref: FRM/PAK/001

16 January 2014

Dear Mr Stewart

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
REQUEST FOR DEEMED PLANNING PERMISSION FOR THE ALMONDBANK FLOOD
PROTECTION SCHEME 2013**

Thank you for your letter and enclosures of 20 December 2013, submitted in accordance with Regulation 14 (2) of The Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts (Scotland) Regulations 2010, requesting Scottish Ministers to direct that deemed planning permission be granted to the above scheme.

In line with Section 65 of the Flood Risk Management (Scotland) Act 2009, Scottish Ministers hereby direct, under Section 57 of the Town and Country Planning (Scotland) Act 1997, that planning permission for the above development is deemed to be granted, subject to the conditions set out in the annex to this letter.

Yours sincerely

IAIN McLEOD



CONDITIONS

1. The development shall be begun within a period of five years from the date of this consent.
2. The proposed development shall be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
3. No development shall take place until a Landscape Plan has been submitted to and agreed in writing by the Planning Authority. The landscaping shall thereafter be undertaken in accordance with the approved details. All landscaping works shall be implemented during the first planting season following the completion of the development to the satisfaction of the Planning Authority.
4. All trees to be retained shall be given adequate protection during the construction works. Details of the protection measures shall be submitted to the Planning Authority for approval prior to the commencement of any work.
5. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, or destroyed, or becomes in the opinion of the Planning Authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.
6. No development shall take place until samples of the materials to be used in the construction of the development hereby permitted have been submitted to and approved by the Planning Authority.
7. If, during development, any contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
8. Prior to commencement of development a construction management plan, to include information on pre-construction environmental surveys, construction vehicle access and routing, contractor parking, storage areas, signage, highway safety considerations, hours of construction material deliveries and the scheduling of all river works shall be submitted to and approved in writing by the Planning Authority.

9. Details of a wheel and under-vehicle cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Planning Authority. The wheel and under-vehicle cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
10. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the public highway shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained there after.
11. No development shall take place within the development site as outlined in 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.
12. 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.
13. The asserted rights of way (METH/1, METH/2, METH/28, METH/40, METH/43, METH/56, METH/59, METH/100, METH/103, METH108, METH149) must not be obstructed during building works or on completion. Any damage done to the routes during building works must be made good before the development is completed. Any temporary restrictions to public access required to facilitate works on site must be agreed in writing and in advance with the access officer.

